

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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MEMORANDUM

TO: Colorado Water Conservation Board

FROM: Jennifer Gimbel
CWCB Staff

DATE: May 18-19, 2010

SUBJECT: Agenda Item 6d, May 2010 CWCB Board Meeting Director's Report

Bill Ritter, Jr.
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Pg. 4 – FEDERAL AND INTERSTATE

- **Field Hearing Regarding the Colorado River**
- **Seven Basin States Submit Letter Regarding the High Flow Protocol**
- **Federal Representative to the Upper Colorado River Commission Named**
- **Conference of Western Attorneys General**
- **U.S.-Mexico Negotiations**
- **Colorado River Basin Study**
- **Kansas Files Petition with U.S. Supreme Court**

Pg. 5 – STATEWIDE

- **Resolutions Honoring Raymond B. Wright and Hamlet “Chips” Barry**
- **2010 State Legislative Updates**
- **Statewide Flood Threat Bulletin Back Online for the 2010 Flood Season**
- **Alliance for Water Efficiency Tracking Tool**
- **State Drought Plan**
- **Front Range Climate Change Vulnerability Study**
- **Water Conservation Plans Approved**
- **Colorado Water Law Conference**
- **Ground Water Commission Meeting**
- **Colorado River Decision Support System (general)**
- **Flood DSS**
- **Water Conservation Technical Advisory Group (WCTAG)**
- **Water Conservation Level Analysis**
- **SWSI Update-Conservation Section**
- **Colorado Waterwise Best Practices Guidebook**
- **Tamarisk and Russian Olive (“TRO”) Control**

Pg. 9 – ARKANSAS RIVER BASIN

- **Arkansas River Decision Support System (ArkDSS)**
- **Purgatoire River Gage Installation at Fishers Crossing**

Pg. 10 – COLORADO RIVER BASIN

- **Glen Canyon Dam Adaptive Management Workgroup**
- **Upper Colorado River Wild and Scenic River Stakeholder Process**
- **Upper Colorado River Recovery Program – Fish Water Contract Extensions**
- **Colorado River Water Availability Study (CRWAS)**
- **Lower Colorado River Wild and Scenic Rivers Process**
- **Colorado River Water Use**
- **Colorado River Basin Salinity Control Program**

Pg. 12 – GUNNISON RIVER BASIN

- **Gunnison Basin Selenium Management Plan**

Pg. 12 – PLATTE RIVER BASIN

- **Republican River Water Conservation District- Compact Compliance Pipeline Project**
- **Platte River Recovery Program**
- **South Platte Decision Support System (SPDSS)**
- **Jackson County ISF Recommendation Update**

Pg. 13 – RIO GRANDE RIVER BASIN

- **Rio Grande SNODAS Maps**

Pg. 15 – SOUTHWEST RIVER BASINS

- **River Protection Workgroup**
- **San Juan Recovery Program Annual Meeting**
- **Tacoma Power Plant Relicensing Update**
- **Dolores River Dialogue**

Pg. 16 – AGENCY UPDATES

- **Severance Tax Trust Fund Operation Account Recommendations**
- **Ted Kowalski Named Section Chief**
- **Water Supply Reserve Account Balance Summary and Project Status Lists**
- **Irrigated Lands Refresh**
- **Governor's Water Availability Task Force (WATF)**
- **Colorado Watershed Restoration Program (WCRP) Update**
- **Colorado Healthy Rivers Fund (CHRF) Update**
- **Water Efficiency Grant Fund Program Update**
- **Web Redesign**
- **Southwestern Mobile Radar Project**
- **Updates on Basin Needs Decision Support System**
- **CWCB Participates in Regional Children's Water Festivals**
- **CWCB Partners with Governor's Energy Office in Recharge Colorado Campaign**
- **Boulder Creek 2009 ISF Program**

- **Finance Section Design and Construction Status**
- **Loan Forecast and Prospect Report**
- **Water Project Construction Loan Program – Repayment Delinquency**
- **Water Project Construction Loan Program – Financial Activity**
- **Financial Activity Report FY10 – Construction Fund**
- **Severance Tax Trust Fund Perpetual Base Account Report**
- **Instream Flow and Natural Lake Level Program – Summary of Resolved Cases**
- **Water Supply Protection Section Name Change**

Pg. 31 – ATTACHMENTS

- **01 Field Hearing Testimony**
- **02 Colorado River Operations Letter**
- **03 Article – Kansas Asks High Court to Rule on Republican River Draws**
- **04 Article – River Fight Goes to Supreme Court**
- **05 CWCBC Resolution for Raymond B. Wright**
- **06 CWCBC Resolution for Hamlet “Chips” Barry**
- **07 Legislative Bills**
- **08a USGS and Reclamation Fact Sheet – Saltcedar & Russian Olive in the U.S.**
- **08b Article: USGS – Invasive Saltcedar & Russian Olive Trees**
- **08c Article: Los Angeles Times – Digging Up Saltcedar Won’t Boost Water Supplies**
- **08d Article: The Daily Sentinel – Tamarisk No Thirstier than Trees**
- **08e Article: The Daily Sentinel – Geological Study Cuts Tamarisk a Break**
- **08f Article: The Durango Telegraph – A Tamer View of Tamarisk**
- **08g Tamarisk Comments from Ken Lair**
- **09 Severance Tax Trust Fund Operational Account Recommendations**
- **10a Water Supply Reserve Account Balance Summary**
- **10b Completed WSRA Projects**
- **10c WSRA Projects in Progress**
- **10d WSRA Projects in Process**
- **11 Design and Construction Status Report**
- **12 Loan Forecast & Prospect Report**

~FEDERAL AND INTERSTATE~

FIELD HEARING REGARDING THE COLORADO RIVER: On April 9, 2010, I testified at the House Natural Resources Subcommittee on Water and Power Oversight Field hearing on “Collaboration on the Colorado River: Lessons Learned to Meet Future Challenges.” A copy of that testimony is attached to this report (Attachment 1). On April 8, 2010, Karen Kwon of the Attorney General’s Office testified before a joint oversight field hearing entitled: “On the Edge: Challenges Facing Grand Canyon National Park.” For more information on both hearings, please see the following link:

http://resourcescommittee.house.gov/index.php?option=com_content&task=view&id=428&Itemid=70. *(Ted Kowalski)*

SEVEN BASIN STATES SUBMIT LETTER REGARDING THE HIGH FLOW

PROTOCOL: Following the Secretary’s announcement of a high flow protocol at Colorado River Water Users Association (CRWUA), representatives of the seven basin states, and I, on behalf of Colorado, signed a letter regarding our scoping comments. A copy of the letter is attached to this report (Attachment 2). *(Ted Kowalski)*

FEDERAL REPRESENTATIVE TO THE UPPER COLORADO RIVER

COMMISSION NAMED: In April, President Obama named Felicity Hannay as the Federal Representative to the Upper Colorado River Commission. I worked with Felicity Hannay when she was the Deputy of Natural Resources of the Colorado Office of the Attorney General, and I look forward to working with her again. She will be an excellent commissioner. I would like to extend my heartfelt thanks to Dick Bratton for his many years of service to the Commission. I look forward to welcoming Felicity Hannay to the Commission, and thanking Dick Bratton for his service to the Commission, at the annual summer meeting on June 9-10, 2010 in Cheyenne, Wyoming. *(Ted Kowalski)*

CONFERENCE OF WESTERN ATTORNEYS GENERAL: On April 30, 2010, I spoke at the Conference of Western Attorneys General in Colorado Springs, regarding current challenges related to the Colorado River. I would like to extend my thanks to Attorney General, John Suthers, for inviting me to present to CWAG. It was an informative and interesting event. *(Ted Kowalski)*

U.S.-MEXICO NEGOTIATIONS: The modeling and pilot project groups have met over the last several months, but have had trouble scheduling a principals’ meeting with Mexico. On April 4, northern Mexico experienced a 7.2 magnitude earthquake, which caused damage to infrastructure within the greater Mexicali area, including a number of irrigation systems. The seven basin states, the United States and Mexico are exploring whether there some flexibility in water deliveries may be possible to deal with this emergency situation. The next bi-national principal meeting will likely be in June, 2010, and we will continue to keep the Board informed about these discussions. *(Ted Kowalski)*

COLORADO RIVER BASIN STUDY: The Bureau of Reclamation and the seven basin states have hired the team of Black and Veatch and CH2MHill to oversee the supply and demand study. The steering committee held a workshop on April 26, 2010, to discuss how each of the seven basin states estimates future supply needs, and to explore how this study can present the information regarding supplies in a standardized manner. Eric Hecox presented information on Colorado's portfolio tool and the other states were definitely impressed with Colorado's ability to explore different futures. The next steering committee meeting will be in mid-June. More information is available on the Bureau of Reclamation website: <http://www.usbr.gov/lc/region/programs/crbstudy.html> (Ted Kowalski)

KANSAS FILES PETITION WITH THE U.S. SUPREME COURT REGARDING REPUBLICAN RIVER: Kansas has filed suit against Nebraska and Colorado regarding the Republican River Compact and the U.S. Supreme Court 2003 decree interpreting that compact. Copies of news articles, regarding this litigation, are attached to this report (Attachment 3 and 4). (Ted Kowalski)

~STATEWIDE~

RESOLUTIONS HONORING RAYMOND B. WRIGHT AND CHIPS BARRY: Attached to this report are two resolutions I am moving to have passed by the Board in recognition of both Ray and Chips' dedication to water issues in Colorado and western U.S. (Attachments 5 and 6). (Greg Johnson)

2010 STATE LEGISLATIVE UPDATES: Attached is a revised list and the status of the water related legislation that has been introduced and is being considered by the General Assembly (Attachment 7). This legislation may be reviewed online at <http://www.leg.state.co.us> . (Linda Bassi/ Lisa Barr)

STATEWIDE FLOOD THREAT BULLETIN BACK ONLINE FOR THE 2010 FLOOD SEASON: Following the enormous success of the Statewide Flood Threat Bulletin pilot project from the 2009 season, the program has returned for another year. Once again, HDR Hydromet Services will provide daily flood threat outlooks for interested users. The services will be largely the same as last year, with county specific forecasts in a GIS format. HDR will provide daily outlooks regarding the flood threat around the state due to either snowmelt or rainfall. In addition, a GIS summary of precipitation from the previous report is available to view which areas of the state received the most precipitation (useful for both water managers and floodplain managers). Twice weekly, on Mondays and Fridays, a medium-range outlook will be issued summarizing the anticipated flood threat for the following two weeks. The information is hosted on HDR's server, and can be accessed at <http://www.hdrweather.com/operational/cwcb/cwcbinformation.htm>

A link is provided on the CWCB webpage. The forecast program began on May 1st and will run through September 30th. (Kevin Houck)

ALLIANCE FOR WATER EFFICIENCY TRACKING TOOL: In late March, CWCB's Office of Water Conservation & Drought Planning (OWCDP) staff attended a training workshop for the tracking tool, conducted by Mary Anne Dickinson, Executive Director of the Alliance for Water Efficiency. The tool will be valuable for water providers in developing the most effective water conservation programs as well as tracking the costs and savings from each particular program. If used by water providers in developing state water conservation plans, this tool could standardize water conservation programming, evaluation and monitoring statewide. *(Kevin Reidy)*

STATE DROUGHT PLAN: The revision of the state's Drought Response and Mitigation Plan is well underway. Numerous meetings and workshops have been held to involve stakeholders from both cooperating state agencies as well as municipalities. These have resulted in a great deal of beneficial feedback on: 1) the response strategies to drought; 2) the mitigation efforts currently underway or proposed; and 3) the toolbox of drought planning resources for local entities.

Colorado Climate Center is examining the indices we currently use to monitor drought to see if they accurately capture the available information and provide a good picture of what is occurring at any given time throughout the state. They will also be looking at how these indices trigger response at various stages of drought.

In response to the concerns of numerous water providers, CWCB and DWR is working with the Natural Resource Conservation Service (NRCS) to update the Surface Water Supply Index (SWSI) for the first time since the index was created in the early 1980's. The revised index will be a more helpful tool for providers to forecast their water supply situation. The revised SWSI numbers will be presented at the May Water Availability Task Force meeting.

The schedule for completion of the plan has not shifted and we are still on track to have a draft in June and a final product in September of this year. *(Taryn Hutchins-Cabibi)*

FRONT RANGE CLIMATE CHANGE VULNERABILITY STUDY: The final draft for the Front Range Climate Change Vulnerability Study is currently in the process of incorporating comments from study participants, including CWCB staff. The study was intended to assess potential changes in the timing and volume of hydrologic runoff for the years 2040 and 2070 as compared with the historical period of 1950-1999. Preliminary results are comparable to those seen in the Colorado River Water Availability Study. The final report will be submitted this spring to the Water Research Foundation for publication. *(Taryn Hutchins-Cabibi)*

WATER CONSERVATION PLANS APPROVED: The Office of Water Conservation & Drought Planning (OWCDP) has *approved* additional Water Conservation Plans from water providers. They include:

- City of Lafayette
- City of Fort Collins
- Tri-County Water Conservancy District

The OWCDP has determined the plans 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. Water providers may proceed with implementation of their Plans.

The OWCDP has also determined that the status of the City of Glenwood Springs Water Conservation Plan has been changed from a *conditional approval* to *approved*. The City of Cortez has been granted *conditional approval*. The OWCDP will continue to work with them to move toward a final approval.

The OWCDP has received and is evaluating and working with providers on the following Water Conservation Plans:

- Pinery Water and Wastewater District
- Consolidated Mutual Water Company
- City of Lamar
- Castle Pines Metropolitan District
- St. Charles Mesa Water District
- City of Louisville
- Town of La Junta
- City of Broomfield (*Ben Wade*)

COLORADO WATER LAW CONFERENCE: On May 20-21, 2010, the CLE International will be holding a Continuing Legal Education Seminar on Colorado Water Law at the Ritz-Carlton in Denver, Colorado. The title of this conference is: "Compacts, Cases, Coalbed Methane & Conservation." Jim Martin, Dick Wolfe, and I will all be presenting on different topics. (*Ted Kowalski*)

GROUND WATER COMMISSION MEETING: The next meeting is scheduled for May 21, 2010 in Denver, Colorado. For more information visit: <http://water.state.co.us/cgwc/> (*Ted Kowalski*)

COLORADO RIVER DECISION SUPPORT SYSTEM (General): Colorado's Decision Support Systems (CDSS) is a water management system being developed by CWCB and Division of Water Resources (DWR). The goal of CDSS is to assist in making informed decisions regarding historical and future use of water. Currently there are DSSs in place for the Colorado River and Rio Grande Basins, and the development of the South Platte DSS is underway. (*Ray Alvarado*)

FLOOD DSS: Work continues on the FloodDSS development. Data collection is complete, with 43 counties contributing data. Riverside has made test sites available to CWCB staff for review, including the "power user", Weather Mod, and Watershed Restoration sites.

Additional functionality is being added to the sites and should be available for internal review in late May. Riverside plans to start installation and testing on the CWCB server in May. (*Ray Alvarado*)

WATER CONSERVATION TECHNICAL ADVISORY GROUP (WCTAG): The OWCDP has convened a technical advisory group to:

- Advance the science of water conservation in Colorado;
- Create a forum in which to vet the water conservation related work and projects that the CWCB is undertaking; and
- Develop partnerships between water providers and the CWCB in order to determine future directions in water conservation projects and research.

The group consists of water conservation and water resource experts from municipal water providers, water conservancy districts, environmental groups, academia and private consulting. The group has met twice and will continue to meet monthly to review and work on water conservation related issues and research. *(Kevin Reidy)*

WATER CONSERVATION LEVEL ANALYSIS: The OWCDP is working with Great Western Institute to analyze the conservation levels framework and passive water conservation savings from SWSI I. The purpose is to examine the assumptions that went into the original levels framework, evaluate the conservation savings associated with the levels, assess where water providers are at currently in their conservation efforts and develop sound passive water conservation savings estimates for the future. A first draft of this work was completed in late March and reviewed internally by CWCB staff. A second round of revisions will be complete in early May and then will be reviewed by the WCTAG in mid-May. The final document will be completed in June 2010 and will be incorporated into the upcoming SWSI update. *(Kevin Reidy)*

SWSI UPDATE-CONSERVATION SECTION: The OWCDP is currently working with Aquacraft Engineering and Headwaters Corporation to update the conservation section of the SWSI update. The Water Conservation Level Analysis and Best Practices Guidebook will inform the update in terms of incorporating passive savings and future conservation scenarios. The update will be done by the end of June-early July 2010. *(Kevin Reidy)*

COLORADO WATERWISE BEST PRACTICES GUIDEBOOK: The Best Practices (BP) Guidebook is a water efficiency grant project designed to develop a set of water conservation best practices specific to Colorado. The guidebook will assist water providers with the selection and implementation of effective water conservation programs and measures. A Project Advisory Committee (PAC) and Stakeholder Group (SAG), consisting of water professionals and water conservation experts from around the state, were formed to guide the process and review the technical aspects of the project. A draft was circulated to the PAC on April 2, 2010 and the review period was completed on April 28, 2010. Revisions will be incorporated and the revised draft will be circulated to the SAG in May. The final document will be ready by the end of May 2010. The BP guidebook will inform the update to SWSI in the form of implementation costs and water savings estimates. *(Kevin Reidy)*

TAMARISK AND RUSSIAN OLIVE (“TRO”) CONTROL: We have agreements in place with 12 of the 13 grant recipients the Board selected at the May 2009 meeting, and will complete the agreement with the City of Grand Junction when they have submitted an approved Water Conservation Plan. Work has commenced on most of the projects and the small project at Island Acres SP in Mesa County has been completed.

On April 28, 2010 the USGS and Reclamation issued their study entitled: “Saltcedar and Russian Olive in the Western United States – A Report on the State of the Science”. This report was required and funded under PL109-320 as a prelude to the proposed funding of demonstration projects in the west. A copy of a Fact Sheet describing the report is attached to this Director’s Report (Attachment 8). USGS also issued a press release and held public and Congressional briefings prior to issuing the report which has led to several newspaper articles highlighting the finding that tamarisk control has not been proven to be an effective means of saving or augmenting water supplies. We have attached a copy of the press release, articles that ran in the Los Angeles Times and the Grand Junction Sentinel, and a proposed response from the Tamarisk Coalition. The federal report finding as to water savings as reported by the press has generated much discussion and criticism, but a closer examination of the Report and Fact Sheet indicates that the finding is limited in scope and admits the need for further on the ground study. As reported in January the seven Basin States have been conducting their own assessment of water savings potential and also recognize the need for further research on this topic, particularly focused on areas where tamarisk has invaded formerly xeric landscapes. We will be working with the Basin States to identify and advance a suitable demonstration project to better quantify potential water savings that may be achieved through well planned and targeted control measures. *(Steve Miller)*

~ARKANSAS RIVER BASIN~

ARKANSAS RIVER DECISION SUPPORT SYSTEM (ArkDSS): The ArkDSS feasibility study is on schedule and well into the first part of the project, which began in February 2010, and will be completed in January 2011. Meetings and interviews have been held with numerous water users and water user groups in the basin to collect information on data availability, analytical tools in current use, and their needs for data and tools to assist in water resource planning and management. Regular updates have been made to the Arkansas Basin Roundtable. The draft data collection report is currently under review and should give a basis for prioritizing new data collection in the Arkansas Basin. *(Ray Alvarado)*

PURGATOIRE RIVER GAGE INSTALLATION AT FISHERS CROSSING: On April 28, 2010, CWCB and DWR staff installed a new stream flow measurement station on the Purgatoire River at Fishers Crossing (PURFICCO). CWCB staff collaborated with multiple stakeholders and provided funding and hydrographic resources in order to establish this new stream gage. The station location using UTM coordinates and NAD83 datum is zone 13N, 567185 meters east, 4123083 meters north.

In addition to real time satellite monitoring of stream stage a temperature sensor has been included. The provisional data can be accessed at http://www.dwr.state.co.us/Surfacewater/data/detail_graph.aspx?ID=PURFICCO&MTYPE=DISCHRG. The gage was requested to meet multiple needs for the Division of Water Resources and the Board. The data will be valuable for potential Compact issues with Kansas, to improve water management in the area, promote cooperation between water users, the Purgatoire River Water Conservancy District and Water Division 2, as well as, for the 10-Year Review process for the Trinidad Reservoir Project. *(Brian Epstein)*



~COLORADO RIVER BASIN~

GLEN CANYON DAM ADAPTIVE MANAGEMENT WORKGROUP: The AMWG has formed two ad hoc committees, one to rewrite the charter for this group and another to develop Desired Future Conditions. In addition, there were workshops in March and April on non-native fish removal and on ecosystem modeling. The AMWG will also hold a webinar on May 6, 2010, regarding the budget and several other topics. *(Ted Kowalski)*

UPPER COLORADO RIVER WILD AND SCENIC RIVERS STAKEHOLDER

PROCESS: This Stakeholder Group is back on track and they have made some recent breakthroughs. The current schedule of the BLM has been delayed and a Draft EIS is expected to be published in January 2011. On May 4, 2010, Ted Kowalski attended a Cooperating Agency meeting on the BLM/USFS plans. The Board will receive an update about this process at the upcoming Board meeting. *(Ted Kowalski)*

UPPER COLORADO RIVER RECOVERY PROGRAM – FISH WATER CONTRACT

EXTENSIONS: Denver Water and the Colorado River Water Conservation District (CRWCD) have been providing late-summer flow augmentation water to the Upper Colorado River Recovery Program through temporary contracts set to expire in June 2010. Those contracts will now be extended through June 2013.

The Recovery Program in its Programmatic Biological Opinion for the 15-Mile Reach of the Colorado River requires 10,825 AF of water to be provided annually by water users, split evenly between east and west slope interests. Denver Water and the CRWCD have been providing the water temporarily from Williams Fork and Wolford Mountain reservoirs. The ongoing 10825 process will finalize permanent sources of water for the Recovery Program obligation. However, those permanent sources will not be under contract and ready to deliver water until 2013.

Therefore the existing contracts between the Recovery Program, the CWCB, and Denver Water and the CRWCD will be extended through 2013 to ensure continued compliance with the PBO. *(Michelle Garrison)*

COLORADO RIVER WATER AVAILABILITY STUDY (CRWAS): CRWAS team has completed Phase 1 of the study and the Draft Final Report is on the CWCB website for download and review. The public comment period began March 22, 2010, and will have a 120 day period, ending July 21, 2010. The public review period was extended an additional 30 days from the original 90 day period. The team held its first of two workshops at the Centennial Water and Sanitation District's office. We would like to thank John Hendrick for making his board room available for this workshop. Twenty five people attended the 4+ hour meeting where we received good feedback and comments. Our last workshop will be held in Grand Junction at the joint Roundtable meeting on May 10, 2010. *(Ray Alvarado)*

LOWER COLORADO RIVER WILD AND SCENIC RIVERS PROCESS: The Lower Colorado River Alternatives Stakeholder Group continues to meet several times monthly in Grand Junction, or by phone, to meet the aggressive Bureau of Land Management (BLM) schedule. Rebecca Mitchell, of the Executive Director's Office, continues to work on this process and the Stakeholder Group subgroups have made significant progress. We will report on this progress at the upcoming board meeting. Additional information is available at: http://www.blm.gov/pgdata/etc/medialib/blm/co/field_offices/grand_junction_field/PDF.Par.3668.File.dat/Final%20Wild%20and%20Scenic%20Eligibility%20Report%20original%20signature%20web.pdf *(Ted Kowalski)*

COLORADO RIVER WATER USE: As of March 1, 2010, storage in the four major Upper Basin reservoirs decreased by 298,100 acre-feet and storage in the Lower Basin reservoirs increased by 182,000 acre-feet during February 2010. Total system active storage as of March 8 was 32.917 million acre-feet (MAF), or 55 percent of capacity, which is 0.298 MAF more than one year ago. (Upper Basin reservoirs increased by 1.012 MAF, and Lower Basin reservoirs decreased by 0.714 MAF.)

The end-of-year measure for 2008 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 3.604 MAF; the preliminary end-of-year measure for 2009 is 3.290 MAF. The preliminary year-end estimate for 2010 is 3.352 MAF. The target under the Interim Surplus Guidelines (ISG) for the end of 2006 was 3.640 MAF, the target for 2009 is 3.530 MAF, and the target for 2012 is 3.470 MAF, thus California is in compliance with the ISG. (*Andy Moore*)

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM: The Forum, Work Group, Advisory Council, and newly created Technical Advisory Group continue to work on implementation of the newly authorized Basin States Program which is the vehicle by which the seven Basin States will provide the mandatory cost-sharing from the Upper and Lower Basin Development Funds. All of the above groups will meet in Cheyenne Wyoming on June 2-4, 2010. Reclamation is in the process of releasing one or more new Funding Opportunity Announcements ("FOA") which will solicit control project proposals for funding from its Basinwide Program. We will be working with water user groups and the Colorado River Water Conservation District to identify and promote cost-effective proposals major off-farm infrastructure improvements. (*Steve Miller*)

~GUNNISON RIVER BASIN~

GUNNISON BASIN SELENIUM MANAGEMENT PLAN: As part of the NEPA compliance work for the continued operation of the Aspinall Unit USBR was required to address the impact of selenium on endangered Colorado River fish. We continue to work with water users and Reclamation on the structure of a Selenium Management Program ("SMP") being developed by the USBR. Within the next few months we will enter into a MOU formalizing our participation in the development of the SMP. The success of the SMP is important to basin water users because it becomes part of the "reasonable and prudent alternative" protecting them from later findings of "take" which otherwise might be made by USFWS based on alleged effects of their water use and return flows.

The SMP will include as one element, an Implementation Plan containing specific commitments and responsibilities of each participating entity that will lead to success of the SMP. While the CWCB has already committed \$525,000 to work on Uncompahgre River irrigation systems and will also coordinate on further irrigation system work through the Colorado River Basin Salinity Control Program, we have not made and will not make any other implementation commitments without first seeking specific Board approval of the Implementation Plan. At this point our only commitment is to help craft a description of the overall Program. (*Steve Miller*)

~PLATTE RIVER BASIN~

REPUBLICAN RIVER WATER CONSERVATION DISTRICT – COMPACT

COMPLIANCE PIPELINE PROJECT: The District will be asking for a one-year extension on its \$60 million loan that has a contract completion date of November 2010 for the proposed Compact Compliance Pipeline Project. The CWCB disbursed \$45 million last year to purchase

the water rights from 50 wells to be used for compact compliance at the Nebraska state line. The remaining \$15 million is to be used toward the actual construction of the pipeline.

Construction of the pipeline has been put on hold because the Republican River Compact Administration voted against Colorado's pipeline project and raised several concerns which will need to be addressed before receiving approval. An arbitration trial is scheduled for July, with arbiter Martha Pagel to issue her decision no later than September 30. States have until November 1 to give notice whether they will accept the decision. (*Kirk Russell*)

PLATTE RIVER RECOVERY PROGRAM: The Platte River Recovery Implementation Program ("Program") Governance Committee held its last meeting in Kearney, Nebraska, on March 9-10, 2010. The next meeting will be held in Cheyenne, Wyoming on June 8-9, 2010. The Program continues to acquire lands, and make progress on its adaptive management and water goals. For more information, please visit: www.platteriverprogram.org. (*Ted Kowalski*)

SOUTH PLATTE DECISION SUPPORT SYSTEM (SPDSS): The alluvial groundwater modeling is moving forward into the calibration phase of that effort, with a final calibrated alluvial groundwater model being done in early 2010. The calibration of the model has unique challenges because of the scope and breadth of the basin and hydrogeology; however these challenges are being addressed as they come forward with the final product being a calibrated basin wide alluvial groundwater model for the South Platte. (*Ray Alvarado*)

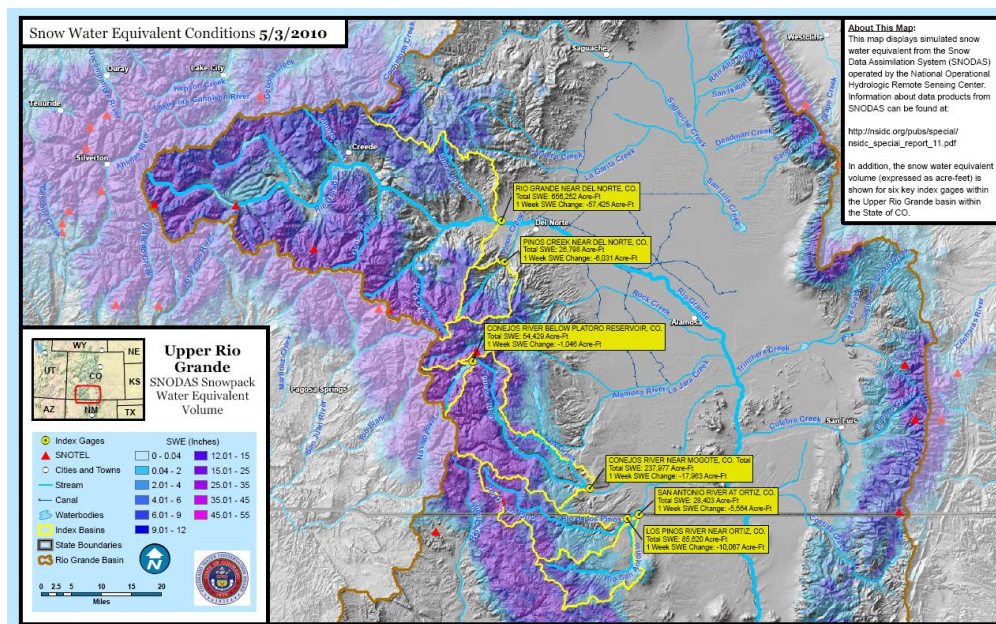
JACKSON COUNTY ISF RECOMMENDATION UPDATE: In 2005, the Bureau of Land Management submitted instream flow recommendations to the Board for Indian Creek, South Fork Big Creek, and North Fork North Platte River, located in Jackson County. Over the past five years, staff has been working with the Jackson County Water Conservancy District (JCWCD) in an attempt to address issues related to the appropriation of these recommendations and their potential impact on Jackson County water rights as set forth in the United States Supreme Court equitable apportionment decree. On April 29, 2010 CWCB, BLM and AG staff met with the JCWCD to discuss a mutually acceptable approach to appropriating ISFs while recognizing water users' rights to develop water supplies under the equitable apportionment decree and under the "one bucket concept" that has been approved as part of the Platte River ESA Recovery Implementation Program. Staff will continue to work with JCWCD on this approach and is hopeful that it can bring a final recommendation on one or more of the stream segments at the Board's January 2011 meeting. (*Linda Bassi*)

~RIO GRANDE RIVER BASIN~

RIO GRANDE SNODAS MAPS: The CWCB and the San Luis Valley Irrigation District have a \$5,000 project this spring to continue to create snowpack maps for Craig Cotten, the Division Engineer for the Rio Grande watershed. Riverside Technologies Inc. (RTi) provides weekly maps and graphs of snow model output for comparison to the official water supply forecasts. The GIS based maps provide weekly data from the Snow Data Assimilation System (SNODAS) operated by the NWS-National Operational Hydrologic Remote Sensing Center in

Minnesota. In this map snowpack snow-water equivalent (SWE) is delineated above stream gauges and official forecast points to give some assessment of what volume of SWE is left above what the local SNOTEL readings may be.

In 2009, the CWCB and Rio Grande WCD paid RTi to develop SNODAS information and calibrate hydrologic models for three points in the Rio Grande on behalf of the West Gulf River Forecast Center (WGRFC). The WGRFC continued this effort for four additional points in 2010 and fifteen additional points in 2011 in Colorado. The CWCB investment into newer methods for water supply forecasting has led to NWS-WGRFC spending \$175,000 to compute daily unregulated flows from 1980-2008 and continued development of models for water supply forecasting in the Rio Grande to the state line (Lobatos). The Corps of Engineers–Albuquerque is spending \$350,000 with RTi to calibrate unregulated flows from Lobatos to the Rio Grande below Caballo Reservoir. The WGRFC will use the models to provide inflow forecasts to the Rio Grande Water Operations Model.



Special thanks to Board Member Travis Smith for encouraging development of new models for water supply forecasting in the Rio Grande. This graphical product is now under consideration for a statewide product in future phases of

the CWCB DSS. The National Oceanic and Atmospheric Administration (NOAA) followed the CWCB and Rti SNODAS body of work over the last several years and is investigating recommendations from the reports. This could lead to better use of all observations (radar; satellite; gauges; models), examination of the feasibility of radar for SNODAS model initialization, a look at radar dual-polarization technology through regional field projects, a better use of surface observations for hourly adjustments, and evaluation of RUC (the numerical weather model that feeds SNODAS) rapid refresh by using NSSL's Q2 system. The CWCB applauds these efforts of this research within the federal system as advances could be the future of more accurate snowpack assessment for use in water supply forecasting. (Joe Busto)

~SOUTHWEST RIVER BASIN~

RIVER PROTECTION WORKGROUP: The River Protection Workgroup (“RPW”) has continued to conduct work on the San Juan River basin, and has begun work on the Vallecito Creek/Pine River basin. The San Juan River basin group will meet again in late May and the Vallecito Creek/Pine River basin group is expected to start work in June. For more information, see the following link: <http://ocs.fortlewis.edu/riverprotection/>. (Ted Kowalski)

SAN JUAN RIVER RECOVERY PROGRAM ANNUAL MEETING: The San Juan River Recovery Implementation Program held its annual meeting on May 12, 2010, in Durango, Colorado. The Biology Committee meeting was on May 11, 2010, and the Coordination Committee meeting took place on May 13, 2010. For more information, please see the Program’s link: <http://www.fws.gov/southwest/sjrip/>. (Ted Kowalski)

TACOMA POWER PLANT RELICENSING UPDATE: The Public Service Company of Colorado d/b/a Xcel Energy is in the process of relicensing its Tacoma Hydroelectric Project with FERC. The Tacoma Project is located on Cascade Creek and the Animas River just north of Durango. Xcel owns the water rights to divert the flows of Cascade Creek into a conduit that delivers those flows to the Little Cascade Creek watershed, and then into Electra Lake. From Electra Lake, the water is diverted into a penstock to the Tacoma Powerhouse in the Animas River canyon. The relicensing process, which started in July 2004, is scheduled for completion in February 2010.

As reported in May 2009, the Administrative Law Judge issued a decision that favored the USFS on the majority of the issues after holding a trial-type hearing on factual issues related to preliminary conditions on the license, including the imposition of a bypass flow. On July 27, 2009, the USFS submitted its final 4(e) conditions, which mirrored the preliminary conditions that were the subject of the hearing. FERC is in the process of completing its final EA, which will include those conditions.

The USFS and Public Service Company continued to explore settlement options, but in October 2009, reached an impasse when each party made a final offer that was rejected by the other party. On November 16, 2009, Public Service Company sent the Regional Forester, Rick Cables, a letter requesting the USFS to resume settlement discussions, and on November 29, 2009, Senator Bruce Whitehead sent Rick Cables a letter encouraging continued negotiations to reach a final settlement between the USFS and Public Service Company. The USFS and Public Service Company have been negotiating, and intend to set up a meeting of all involved entities for later this month to discuss settlement options. (Linda Bassi)

DOLORES RIVER DIALOGUE: The full Dolores River Dialogue group met in Cortez on March 23, 2010. Presentations and discussion included: (1) an update on the activities of the Lower Dolores Working Group; (2) recommendations from the DRD Technical Committee on revamping the DRD structure; (3) information sheets on *Science Issues in the Lower Dolores*; (4) a CDOW presentation on Native Fish of the Lower Dolores River: Status, Trends and

Recommendations; (5) the Dolores River Restoration Partnership; (6) 319 Watershed Study; and (7) Recent Findings re: Salinity. (*Linda Bassi*)

~AGENCY UPDATES~

SEVERANCE TAX TRUST FUND OPERATIONAL ACCOUNT

RECOMMENDATIONS: After July 1995, one-half of the severance tax receipts credited to the Severance Tax Trust Fund are credited to the Operational Account of the Severance Tax Trust Fund. The programs supported by the Operational Account must promote natural resource planning, management, and development related to minerals, energy, geology, and water. A full report with recommendations follows (Attachment 9). (*Steve Biondo*)

TED KOWALSKI NAMED SECTION CHIEF: In late April, Ted Kowalski was chosen as the next section chief of the Interstate and Federal Section. I look forward to working with Ted in his new capacity, and I know he will serve the Board well. (*Ted Kowalski*)

WATER SUPPLY RESERVE ACCOUNT BALANCE SUMMARY AND PROJECT

STATUS LISTS: To provide an update on the current balances and project status of the Water Supply Reserve Account program, the following tables are attached. (*Greg Johnson*)

- Water Supply Reserve Account Balance Summary, April 5, 2010. (Note: the final 30% installment was received on April 1st, completing the full appropriation for FY 2009/2010.) (Attachment 10a)
- List of completed WSRA projects (Attachment 10b)
- List of WSRA projects in progress (Attachment 10c)
- List of WSRA Projects in the contracting and procurement process (Attachment 10d)

IRRIGATED LANDS REFRESH: The 2005 Irrigated lands refresh effort is complete, and data sets were released to the public via the CDSS website, in mid-March. Work has begun to prepare for field data collection for the 2010 effort. Unlike past refresh efforts, the 2010 refresh will encompass the entire state, and will be a cooperative effort between CWCB and DWR. Water Commissioners and other staff will collect crop information during the growing season, which will provide the data necessary to complete the satellite imagery analysis to be performed when the satellite images become available later in the year. (*Ray Alvarado*)

GOVERNOR'S WATER AVAILABILITY TASK FORCE: The next WATF meeting is scheduled for May 21, 2010 at the Colorado Division of Wildlife Headquarters. Please check the website (<http://cwcb.state.co.us/Conservation/DroughtPlanning/WaterAvailabilityTaskForce/>) for additional information. (*Ben Wade*)

COLORADO WATERSHED RESTORATION PROGRAM (WCRP) UPDATE: CWRP received 8 applications by the January 31st deadline. The total grant request is \$292,000, which is proposed to match \$1,328,000 (1:4.5). The applications have been reviewed, and 6 applicants are tentatively approved for funding. The final funding decision will be made on July 1, 2010.

Projects included bank stabilization & riparian re-vegetation implementation and design. Applications were received from the South Platte, Gunnison, and Colorado River Basins. (*Chris Sturm*)

COLORADO HEALTHY RIVERS FUND (CHRF) UPDATE: CHRF received 21 applications by the April 30th deadline. The total grant request is \$601,000. This is the largest request by the greatest number of applicants to date. Applications will be reviewed by July 1, 2010, and the final funding decisions will be made by the CHRF Designees in August. All major basins except Yampa/White and Arkansas submitted applications, with the majority coming from the South Platte. Proposed projects include bank stabilization, riparian re-vegetation, flow measurement, diversion dam reconstruction, watershed plan updates, water quality education & outreach, macroinvertebrate sampling, and tamarisk removal. (*Chris Sturm*)

CWCB WATER EFFICIENCY GRANT FUND PROGRAM UPDATE: The OWCDP has awarded two additional grants through the Water Efficiency Grant Fund to the following water providers:

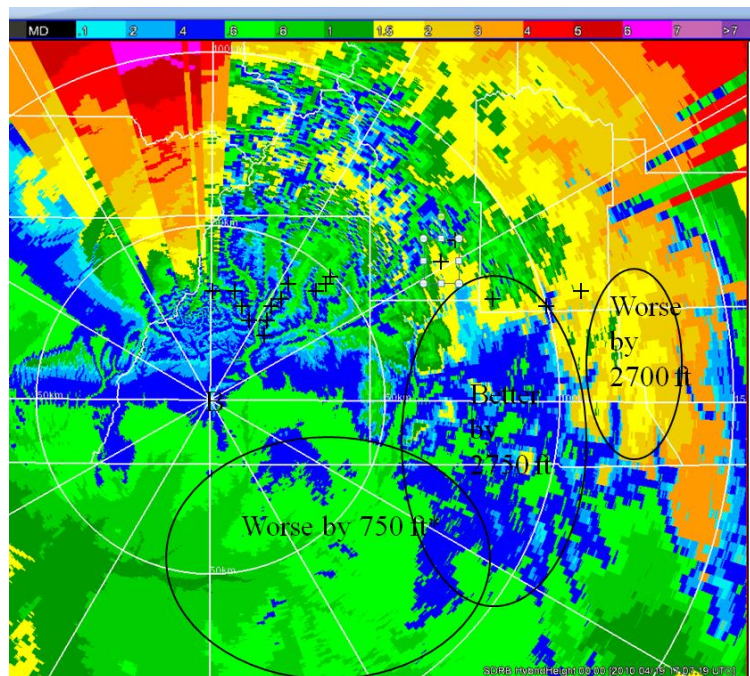
- **Town of Superior:** \$25,003 to develop a Water Conservation Plan
- **City of Steamboat Springs:** \$15,358 to develop a Water Conservation Plan
- **City of Monte Vista:** \$35,646 to develop a Water Conservation Plan
- **Douglas County Government:** \$49,980 to develop a Regional Water Conservation Plan
- **Center for Resource Conservation:** \$34,020 to conduct indoor water audits in Lafayette, Longmont & Thornton (*Ben Wade*)

CWCB WEB REDESIGN: The CWCB website redesign is coming along, with the design elements completed, content rewritten and condensed and the pages being built. Two rounds of usability testing have been conducted, gathering feedback from engineering, finance, IBCC and environmental users. The project will be completed in the next few months, with an anticipated launch date in July. The Board can look forward to a presentation on the new organization of content and the integration of the IBCC information into the CWCB site. (*Susan Lesovsky*)

SOUTHWESTERN MOBILE RADAR PROJECT: Funding from Southwestern Water Conservation District (SWCD), CWCB Flood Response Fund, and the Colorado Division of Emergency Management (DEM) for a total of \$66,100 will be used for a four week radar field study using a mobile radar truck that starts in August. NOAA National Severe Storms Lab (NSSL) in Norman, Oklahoma is conducting the analysis, but there is a broad based coalition of support for this project. This graphic depicts the best mobile radar coverage through a beam azimuth analysis where green and blue is the best coverage in Southwestern Colorado, which is near Bridge Timber Mountain. The fall back site may be the Durango airport. DEM and SWCD funding has been secured. The project is awaiting signatures for a contract amendment between the CWCB and NOAA.

Application to cross tribal lands has been submitted by local DEM office on behalf of CWCB and NOAA, and the application to USFS to deploy rain gauges on USFS lands has been submitted by the National Center for Atmospheric Research (NCAR) and NOAA. Efforts by county emergency managers assisted by NCAR to fundraise for additional rain gauges to continue operating following the completion of the project have been carried forth. Conversations with Brian Epstein of the CWCB and Brian Boughton of the Division 7 DWR to deploy rain gauges at DWR stream gauges continue. The additional rainfall measurements will continue to help the NWS Weather Forecast Office in Grand Junction long after the field study is completed.

This local funding raising effort has been deemed “legacy gauges” by stakeholders. NOAA NSSL will process mobile radar and Grand Junction radar data to provide a blended product to be used for forecasts this summer. This effort will document local rainfall and compare it to estimates derived from Grand Junction radar, build a scientific case for a permanent NWS radar located in the four corners area, and get a first look at dual polarization (scans vertically and horizontally) data in U.S. mountainous areas. Dual polarization capability is coming to all fixed NWS radars in the United States over the next several years. It is hoped that this pilot project in the area will lead to continued efforts to improve radar coverage in the Four Corners area. This may need to involve a broad coalition of stakeholders in the area, possibly including counties, states, water providers, and even tribes. Improved radar coverage would lead to improved operations for water supply and flood forecasting. *(Joe Busto)*



UPDATES ON BASIN NEEDS DECISION SUPPORT SYSTEM: CWCB staff is implementing refinements and expansion of the IP&P Database via two concurrent efforts. The first effort involves developing and piloting a statewide survey for water providers to collect

and maintain accurate data. The second effort involves database enhancements and DSS integration. As a result of the extensive enhancements and integration with other CWCBC Decision Support System (DSS) tools, the name of the IP&P Database is changed to the *Basin Needs Decision Support System (BNDSS)*. The BNDSS will track projects and processes identified in SWSI and others identified by water providers since the SWSI report. The BNDSS will monitor their progress and identify where CWCBC programs can help implementation. The BNDSS will also track water use and supply data (actual and projected), population data (actual and projected), and non-consumptive project data, in order to refine local and regional estimates of the projected water supply “gap”.

The CWCBC is using DiNatale Water Consultants, Inc. (DiNatale) to help determine the format, substance, and attainability of information for the BNDSS via a provider survey. The survey has been developed and refined in response to internal review and pilot interviews with numerous water providers. CWCBC’s Water Supply Planning Section conducted interviews with major water providers in February and March to collect updated information for the SWSI gap calculation and updates to be published later this year. As part of this process staff received additional feedback on the survey. This feedback is being used to further refine the survey, which is being automated into a web-based format in conjunction with the efforts on BNDSS system enhancements and DSS integration.

The CWCBC has contracted with Riverside Technology, inc. (RTi) with team partners Leonard Rice Engineers (LRE) and DiNatale Water Consultants (DWC) for the BNDSS System Enhancements and DSS Integration Project. As developer of the initial IP&P Database, RTi has extensive experience with the project, while LRE and DWC bring significant experience with existing DSS products and water providers. The project kickoff meeting was held on May 3, involving staff from multiple CWCBC sections and representatives from each consulting team. (Greg Johnson)

CWCBC PARTICIPATES IN REGIONAL CHILDREN’S WATER FESTIVALS: The Office of Water Conservation & Drought Planning (OWCDP) is scheduled to participate in three Children’s Water Festivals throughout the State of Colorado. The OWCDP has put together an “EVERY DROP COUNTS: BE WATER SMART” presentation which will help students learn about various water sources on earth and understand where Colorado citizens get their water. The demonstration will incorporate visual aids, such as maps and picture posters boards. The students will receive washable water droplet tattoos, removable window stickers and toilet leak detection tablets to help enforce the importance of water and how they too can be water smart and help conserve Colorado’s water. Festival dates and locations are as follows:

- May 6 – Longmont, Radisson Conference Center
- May 12 – Greeley, University of Northern Colorado
- May 17 & 18 – Grand Junction, Mesa State College (Ben Wade)

CWCB PARTNERS WITH GOVERNOR'S ENERGY OFFICE IN RECHARGE

COLORADO CAMPAIGN: The CWCB recently partnered with the Governor's Energy Office in offering Coloradans an unprecedented tool for energy efficiency and cost savings. On April 19, the Governor's Energy Office launched www.rechargecolorado.com which offered rebates for high efficient appliances, such as clothes washers & dish washers, in an effort to save money and embrace Colorado's New Energy Economy. To receive a rebate, Colorado residents log on to the website to make a reservation. Once they receive a reservation, they have 45 days to buy the water efficient appliance and another 5 days to mail in the rebate. To date, all dish washer rebates have been reserved and ¾ of clothes washer rebates have been reserved.

The OWCDP contacted all covered entities, via email, to promote the program and also emailed water providers who had specifically identified clothes washer or dish washer rebates as a conservation measure, in their water conservation plans, to promote the program in addition to their existing rebate programs. To date, about 5,770 of 6,000 reservations have been made to purchase clothes washers, and the dish washers are now on a waiting list. *(Ben Wade)*

CITY OF BOULDER 2009 REPORT ON BOULDER CREEK ISF PROGRAM: In April 2010, the City of Boulder provided its 2009 water year annual report to the CWCB, describing its operations under the July 20, 1990 Agreement between the City and CWCB under which the City donated various water rights to the CWCB for instream flow use on Boulder Creek. Water available to the CWCB for instream flow use under the Agreement supplemented the CWCB's instream flow water rights in various reaches of Boulder Creek from November 2008 through April 2009, in the latter part of July 2009, and from August through mid-October 2009. The CWCB used approximately 1,433 acre-feet of donated water from the City for instream flow use. Additionally, in August 2009, the City exercised its right to lease water generated by its operations under the Agreement to users downstream of the CWCB's instream flow reach. *(Kaylea White)*

FINANCE SECTION DESIGN AND CONSTRUCTION STATUS: The CWCB Finance Section has completed 7 projects in FY 09-10. Currently for FY 09-10, we have 32 projects under construction and 18 projects in the design phase, involving over \$334,000,000 in loan funds.

The attached spreadsheet (Attachment 11a) summarizes project status, including budget, construction schedule, and progress to-date. During this reporting period, FY 09-10, two projects have been completed.

The attached progress report (Attachment 11b) briefly outlines all active project design and construction information and progress to-date. *(Tim Feehan)*

LOAN FORECAST AND PROSPECT REPORT: The Finance Section compiles a list of potential borrowers/projects for the Water Project Loan Program (Attachment 12). The Board has roughly \$10 million available for eligible raw water projects at the July and September meetings, assuming there are no additional General Fund Transfers from the Construction Fund. (*Kirk Russell*)

WATER PROJECT CONSTRUCTION LOAN PROGRAM - MAY 2010 - LOAN

REPAYMENT DELINQUENCY: Loan Repayments received relative to the Water Project Construction Loan Program have been reviewed for the period covering July 2009 through April 2010. 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 ten months of Fiscal Year 2010 totaled 207. There were eight loan payments not received on time during this period. Two loan payments from the Excelsior Irrigating Company, the loan payments from the City of Grand Junction (subsequently paid in full), and John Peroulis and Sons Partnership were less than 30 days late. Two loan payments from Kern Reservoir and Ditch Company were less than 60 days late. The loan payment from Shultz Farm, Inc. was over 60 days late due to a natural disaster. The loan payment from Rodney Preisser is over 90 days late and has not been received. Thus, the on-time performance for the total repayments due was 96% in compliance or 4% not in compliance.

As additional notes: (1) Rodney Preisser has not met his obligations since Fiscal Year 2007 and has filed Chapter 11 Bankruptcy; (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. (*Steve Biondo*)

WATER PROJECT CONSTRUCTION LOAN PROGRAM - MAY 2010 - LOAN

FINANCIAL ACTIVITY - Loan Financial Activity relative to the Water Project Construction Loan Program for Fiscal Year 2010 is detailed on the following attachment. Funds received relative to loans in repayment totaled \$17.4 M for this period. Funds disbursed relative to new project loans totaled \$35.3 M for this period. Net activity resulted in \$17.9 M disbursed from the CWCBC 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 \$10.3 M in receivables and \$28.8 M in disbursements for a total net activity of \$18.5 M disbursed over received. The STTFPBA consists of \$7.1 M in receivables and \$6.5 M in disbursements for a total net activity of \$0.6 M received over disbursed. (*Steve Biondo*)

**FINANCIAL ACTIVITY REPORT - FOR FISCAL YEAR 2010 - CONSTRUCTION
FUND:**

Period	Principal	Interest	Total Received	Disbursements	Net Activity
July 2009	\$ 991,399	\$ 902,079	\$ 1,893,478	\$ 237,276	\$ 1,656,202
August 2009	\$ 368,125	\$ 340,643	\$ 708,768	\$ 369	\$ 708,398
September 2009	\$ 207,401	\$ 244,925	\$ 452,326	\$ 380,017	\$ 72,309
October 2009	\$ 256,291	\$ 146,224	\$ 402,515	\$ 352,123	\$ 50,393
November 2009	\$ 242,852	\$ 209,413	\$ 452,264	\$ 499,365	\$ (47,101)
December 2009	\$ 178,895	\$ 438,803	\$ 617,698	\$ 251,585	\$ 366,113
January 2010	\$ 599,266	\$ 2,533,446	\$ 3,132,712	\$ 48,413	\$ 3,084,299
February 2010	\$ 420,414	\$ 135,138	\$ 555,552	\$ 145,047	\$ 410,505
March 2010	\$ 284,896	\$ 360,443	\$ 645,339	\$ 2,183,801	\$ (1,538,462)
April 2010	\$ 974,176	\$ 530,612	\$ 1,504,788	\$ 24,799,030	\$ (23,294,242)
May 2010	\$ -	\$ -	\$ -	\$ -	\$ -
June 2010	\$ -	\$ -	\$ -	\$ -	\$ -

FY 2010 Totals	\$ 4,523,714	\$ 5,841,725	\$ 10,365,440	\$ 28,897,026	\$ (18,531,586)
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SEVERANCE TAX TRUST FUND PERPETUAL BASE ACCOUNT:

Period	Principal	Interest	Total Received	Disbursements	Net Activity
July 2009	\$ 130,286	\$ 149,080	\$ 279,366	\$ 86,769	\$ 192,597
August 2009	\$ 214,894	\$ 202,229	\$ 417,123	\$ 670,022	\$ (252,898)
September 2009	\$ 547,833	\$ 554,328	\$ 1,102,161	\$ 223,399	\$ 878,763
October 2009	\$ 540,684	\$ 83,923	\$ 624,607	\$ 663,310	\$ (38,703)
November 2009	\$ 87,097	\$ 71,587	\$ 158,683	\$ 579,012	\$ (420,329)
December 2009	\$ 82,320	\$ 191,165	\$ 273,485	\$ 1,149,375	\$ (875,890)
January 2010	\$ 397,392	\$ 778,061	\$ 1,175,452	\$ 1,141,955	\$ 33,497
February 2010	\$ 87,300	\$ 25,630	\$ 112,930	\$ 1,039,284	\$ (926,354)
March 2010	\$ 665,071	\$ 369,416	\$ 1,034,487	\$ 567,719	\$ 466,768
April 2010	\$ 1,229,406	\$ 701,235	\$ 1,930,641	\$ 367,076	\$ 1,563,565
May 2010	\$ -	\$ -	\$ -	\$ -	\$ -
June 2010	\$ -	\$ -	\$ -	\$ -	\$ -

FY 2010 Totals	\$ 3,982,282	\$ 3,126,654	\$ 7,108,936	\$ 6,487,920	\$ 621,016
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GRAND TOTALS	\$ 8,505,996	\$ 8,968,380	\$ 17,474,376	\$ 35,384,946	\$ (17,910,570)
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INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM – SUMMARY OF

RESOLVED CASES: The Board’s ISF Rule 8i. states that: “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. 1-04CW184 -- Application of Town of Empire - The Board ratified the statement of opposition filed in this case at its November 2004 meeting. The Board's main objective in filing the statement of opposition was to ensure that the Applicant's proposal does not injure the Board's instream flow water right on West Fork Clear Creek. Applicant's proposed plan for augmentation may not have replaced depletions in the same amount, timing or location at which they occur. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water right will not be injured.

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

CWCB Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
1-87CW276	West Fork Clear Creek	11/5	12/11/1987	Clear Creek	Clear Creek

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 West Fork Clear Creek. The Applicant has agreed to the following terms and conditions:

- Empire acknowledges that the CWCB holds an instream flow water right to preserve the natural environment to a reasonable degree on West Fork Clear Creek, which water right was appropriated prior to the filing of this application in 1-04CW184.
- Because the Empire Town Water Right has a very senior 1863 priority date, it is expected that this plan for augmentation will operate only infrequently, i.e., during those relatively few occasions when the water right is being called out by downstream water rights with priority dates senior to 1863.
- When this plan is being operated, in order to prevent injury to the instream flow right held by the Board, Applicant shall only use releases of stored water from Guanella Reservoir to replace depletions by the Empire Town Water Right at times and to the extent that the flow of West Clear Creek downstream of the confluence of Mad Creek and West Clear Creek is at or above the instream flows decreed to the CWCB in Case No. 1-87CW276.
- At all other times, replacement of depletions will be made by foregoing diversions of Applicant's augmentation water into storage in Guanella Reservoir at a rate sufficient to replace the calculated depletions.

- The State Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights.
- Applicant shall install and maintain such measuring devices, provide accounting, and supply calculations regarding the timing of depletions as required by the Division Engineer.

(2) Case No. 1-07CW147 -- Application of Donna J. Nelson, et al. & North Fork Associates and Mountain Mutual Reservoir Company: The Board ratified this statement of opposition at its September 2007 meeting. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicants' plan for augmentation and exchange does not injure the Board's instream flow water rights on Four Mile Creek and the Middle Fork South Platte River. Applicants' proposed plan for augmentation and exchange may not have replaced depletions in the same amount, timing or location at which they occur. Staff, in cooperation with the Attorney General's Office, has negotiated a settlement to ensure that the CWCB's instream flow water right will not be injured.

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

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
1-76W8224	Four Mile Creek	8	1/14/1976	South Platte Headwaters	Park
1-80CW067	Middle Fork South Platte River	16/8	1/30/1980	South Platte Headwaters	Park

The CWCB and the Applicants have agreed to the entry of a decree that will prevent injury to the Board's ISF water rights on Four Mile Creek and the Middle Fork South Platte River. The Applicants have agreed to the following terms and conditions:

- The Colorado Water Conservation Board ("CWCB") holds an instream flow right on Four Mile Creek, decreed in Case No. 1-76W8224, for 8 cfs, and on the Middle Fork South Platte River, decreed in Case No. 1-80CW067, for 16 cfs (summer) and 8 cfs (winter), which rights were decreed prior to the application filed in this case.
- In order to prevent injury to the CWCB's instream flow rights, the exchanges shall not be conducted when the CWCB places a call for water under the instream flow right decreed in Case No. 76CW8224, that is recognized and being administered by the Division Engineer.
- Due to the small volume of annual stream depletions projected to occur from the water operations described herein, replacement of out-of-priority depletions may be aggregated. The rate and timing of an aggregated delivery of replacement water and the subsequent diversion of that water by downstream water users shall be determined by the Division Engineer. The downstream water right deprived of water during the period

of aggregation shall be allowed to divert the water so released regardless of the river call then existing, except that with regard to an aggregated release of augmentation water to Four Mile Creek for the benefit of the CWCB, no water user shall physically divert such aggregated release from Four Mile Creek at any point upstream of the downstream terminus of the instream flow water right decreed in Case No. 76CW8224.

- Upon notification from the State water administration officials that the instream flow water right decreed in Case No. 76CW8224 is the calling right on Four Mile Creek, applicant shall, within twenty-one (21), days after receiving such notice, cause the delivery of an aggregated volume of water, equal to thirty days of depletions then occurring under this augmentation plan, to a point on Four Mile Creek that is acceptable to the CWCB. Applicant shall continue making monthly aggregated deliveries of water to Four Mile Creek until the State water administration officials confirm that the instream flow water right is again satisfied. If the applicants are unable to deliver water to Four Mile Creek to satisfy a call by the instream flow water right, the Division Engineer shall curtail water uses associated with this plan for augmentation until such time as the Applicants prove to the satisfaction of the Division Engineer that they have the ability to make such deliveries, either by resuming the physical transportation of augmentation water by tank truck or by releasing water from an on-site storage container.
- Each exchange will be administered with a priority date of June 30, 2007, at a maximum flow rate of 0.002 of a cubic foot per second. To the extent that releases under MMRC's water rights cannot replace out-of-priority depletions under this plan for augmentation at the point of injury, the applicants shall either physically transport augmentation water by tank truck for delivery to the stream system at a location upstream of the point of injury, release water from one or more onsite storage containers or cease diversions under the wells described herein for other than in-building uses.
- The Court will retain jurisdiction on the question of injury to the vested water rights and decreed conditional water rights of others for a period of five years from the entry of this decree.

(3) Case No. 2-02CW073 -- Application of V. Paul Moltz: The Board ratified the statement of opposition filed in this case at its September 2002 meeting. This is an application for conditional water storage right and plan for augmentation involving Trout Creek Reservoir. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicant's proposed water storage right would not improperly inundate the Board's instream flow right on Trout Creek. However, shortly after filing the statement of opposition, staff learned that the Trout Creek Reservoir had already been constructed and water had already been stored in the reservoir. As a result, approximately 0.8 mile of the Board's instream flow right on Trout Creek was already inundated by the proposed water storage right.

In September 2004, the Applicant's submitted a request to inundate pursuant to the ISF Rules, and offered the Board a conservation easement to mitigate impacts to the instream flow right on Trout Creek. After consulting with the Attorney General's Office, State Engineer's Office and Division of

Wildlife, the Board approved the inundation and accepted the offered conservation easement. Although the easement did not replace spawning habitat lost to inundation, the Division of Wildlife concluded the easement would protect boreal toad habitat, and the lake would increase overall habitat complexity for stream dwelling fish and aquatic species. The Board required the Applicant to convey the conservation easement to the Division of Wildlife, and, in the event the Water Court case was decreed prior to conveyance of the easement, the Board requested inclusion of a term in the proposed decree providing the Court will retain jurisdiction to determine injury to the Board's water right until the Applicant has conveyed the conservation easement.

The Board holds the following instream flow water right on Trout Creek:

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
2-74W4173	Trout Creek	6	9/19/1974	Arkansas River	Chaffee

The Applicant has provided the Board and Division of Wildlife with a conservation easement for 7.87 acres of land along Trout Creek upstream from the reservoir. Staff has reviewed the terms of the easement, and agrees that conveyance of the easement fully satisfies the obligations of the Applicant related to settlement of this Water Court application. The Division of Wildlife will schedule a closing to finalize the conveyance.

The CWCB and Applicant have also stipulated to the entry of a decree in this case. The decree requires:

- Applicant shall make available for release to the stream system, a sufficient quantity of water to replace out-of-priority evaporation losses from Trout Creek Reservoir.
- Out-of-priority refill storage or storage in the Trout Creek Reservoir Enlargement shall only occur subject to a separate court decree or a substitute water supply plan approved by the State Engineer.
- Applicant shall install and maintain such measuring devices as required by the Division Engineer to administer Trout Creek Reservoir.
- The State Engineer shall curtail all out-of-priority diversions, the depletions of which are not so replaced as to prevent injury to vested water rights.
- The plan for augmentation shall be subject to the reconsideration of the Court for the purpose of evaluating injury to vested water rights, for a period of seven years.

(4) Case No. 4-06CW035 -- Application of Lacy & Dow, LLC: The Board ratified this statement of opposition at its May 2006 meeting. The Board's main objective in filing the statement of opposition in this case was to ensure that the Applicant's proposal does not injure the Board's instream flow water rights on the East River. Applicant's proposed change of water rights and plan for augmentation may have caused additional depletions to the East River, and may not have replaced depletions in the same amount, timing or location at which they occur. 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:

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
4-83CW228	East River	50/27	6/3/1982	East River	Gunnison
4-83CW230	East River	10	6/3/1982	East River	Gunnison

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 the East River. The Applicant has agreed to the following terms and conditions:

- Applicant acknowledges that the CWCB holds instream flow water rights to preserve the natural environment to a reasonable degree on the East River, which water rights were appropriated and decreed prior to the filing of this application in 4-06CW035.
- The Applicant has decided not to pursue the change of water rights for the Verzuh Ditch and Lafayette Ditch as applied for in the application, and those claims are withdrawn by the applicant.
- The Verzuh Ditch Enlargement will be used to fill and refill Dan's Pond when it is in priority.
- Out-of-priority depletions by the Lower Verzuh Wells for domestic in-house use, lawn and garden irrigation, and fire protection will be augmented by releases of water from Dan's Pond, which is located upstream of the wells. Such augmentation releases will be transmitted by pipe to the East River. The quantity of water included in the augmentation requirement is sufficient to provide augmentation for a call on the Gunnison River or East River throughout the entire year.
- Evaporation from Dan's Pond has been included in the total demand on the water stored in Dan's Pond.
- The applicant shall establish a homeowners association which shall be responsible for ensuring that the terms and conditions of this decree are met, and shall adopt a covenant limiting irrigation in the development to no more than 1,000 square feet per lot and during the specified irrigation season only.
- The State Engineer shall curtail all out-of-priority diversions and storage, the depletions from which are not so replaced as to prevent injury to vested water rights.

(5) Case Nos. 4-06CW203 – Russell A. Gerdin (Case Withdrawn): The Board ratified the statements of opposition filed in these cases at its January 2007 meeting. The Board's main

objective in filing the statement of opposition in this case was to ensure that the Applicant's plan for augmentation does not injure the Board's instream flow water rights on Blue Creek and Little Blue Creek. Applicants' proposed plan for augmentation may not have replaced depletions in the same amount, timing or location at which they occur.

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

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
4-83CW207	Little Blue Creek	2	7/7/1983	Gunnison River	Gunnison
4-98CW227	Little Blue Creek	1.5/0.5	1/29/1998	Gunnison River	Gunnison
4-84CW389	Blue Creek	7	5/4/1984	Gunnison River	Gunnison

The Applicant has voluntarily withdrawn his application, and the Water Court dismissed the case without prejudice.

(6, 7) Case Nos. 5-06CW279 & 5-08CW204 -- Application of William H. Thomas & Gunsight Pass Ranch (Cases Dismissed): The Board ratified the statements of opposition filed in these cases 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 rights and plan for augmentation do not injure the Board's instream flow water rights on Antelope Creek. Applicants' proposed plan for augmentation may not have replaced depletions in the same amount, timing or location at which they occur, and the proposed change of water rights may have resulted in an expansion of use.

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

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
5-86CW225	Antelope Creek	1.5	3/14/1986	Colorado River	Grand

In both of these cases, the applicant failed to initiate a telephone status conference, and failed to respond to the Court's dismissal notice. The Water Court dismissed both cases without prejudice for failure to prosecute.

(8) Case No. 6-08CW090 -- Application of Shell Frontier Oil & Gas (Case Withdrawn): The Board ratified the statement of opposition filed in this case at its March 2009 meeting. The Board's main objective in filing the statement of opposition was to ensure that the claims for surface water and storage rights from the Yampa River do not impact the CWCB's water acquisition agreements for 5,000 acre-feet of water and storage space in Elkhead Reservoir, decreed in Case No. 02CW106 for in-river fish habitat and river flow maintenance and enhancement uses in furtherance of the Upper Colorado River Basin Endangered Fishes Recovery Program.

In March 2010, the Applicant filed documents with the court stating, “In light of the status of Applicant’s overall oil shale research and development activities, coupled with the global economic downturn that has affected the pace of Applicant’s oil shale project, Applicant has determined not to pursue adjudication of the Shell Yampa River Pumping Plant or Cedar Springs Draw Reservoir conditional water rights.” Applicant has requested that the claimed conditional water rights be dismissed with prejudice as to the claims of appropriation for the Pumping Plant and Reservoir, and as to any priority based on those claimed dates of appropriation.

(9) Case No. 7-06CW110 -- Application of Town of Rico: 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 Applicants’ change of water rights does not injure the Board’s instream flow water rights on the Dolores River. The applicant’s proposed upstream alternate points of diversion to tributary wells and out-of-priority diversion from those wells without adequate augmentation and appropriate terms and conditions may have injured the Dolores River instream flow water 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:

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
7-84CW284	Dolores River	20	7/13/1984	Upper Dolores	Dolores
7-84CW289	Dolores River	35/25	7/13/1984	Upper Dolores	Dolores
7-84CW293	Dolores River	50/30	7/13/1984	Upper Dolores	Dolores

The CWCB and the Applicants have agreed to the entry of a decree that will prevent injury to the Board’s ISF water rights on the Dolores River. The Applicants have agreed to the following terms and conditions:

- Rico acknowledges that the CWCB holds an instream flow water right to preserve the natural environment to a reasonable degree, which water right is located in the reach of the Dolores River where Rico’s proposed well field is located. Said instream flow water right was adjudicated in the amount of 20 cfs in Case No. 84CW284 with an appropriation date of July 13, 1984, which priority is senior to the water right to be adjudicated to the Rico well field in this case.
- Rico has included the proposed North Rico Alluvium Well Field in the plan for augmentation adjudicated to the Dolores Water Conservancy District in Case No. 95CW104. In that case, the Water Court concluded that depletions from “authorized diversions” participating in the Dolores Water Conservancy District’s plan for augmentation “shall be allowed and shall not constitute injury to a CWCB instream flow

right” provided all such “allowed de minimis depletions” would not exceed 1% of the decreed instantaneous flow rate for the CWCB instream flow water right for a stream reach affected by a proposed authorized diversion (Paragraph 8.F.(2) of 95CW104 Decree). The parties agree that the provisions of the decree in Case No. 95CW104 are res judicata and not subject to re-litigation in this case.

- In order to assure that depletions from Rico’s proposed well field, when considered cumulatively with the depletions from other authorized diversions within the instream flow reach decreed in Case No. 84CW284 do not exceed the depletion allowance in the 95CW104 stipulation and decree, Rico has agreed to the following limitations:
 - a. Rico shall limit the diversions from its well field to 80 gallons per minute whenever the minimum instream flow water right of the CWCB decreed in Case No. 84CW284 is not satisfied.
 - b. For the purpose of administering the DWCD augmentation plan in Case No. 95CW104, Rico’s well diversions shall be considered fully depletive within the reach of the minimum instream flow right decreed in Case No. 84CW284 (i.e., no credit will be recognized for return flow in that reach).
 - c. Rico shall maintain its wells in good standing as authorized diversions under the DWCD augmentation plan decreed in Case No. 95CW104.
- The CWCB acknowledges that the DWCD has included the Town of Rico water service area and the Rico well field in its plan for augmentation in Case No. 95CW104 pursuant to a water agreement between DWCD and Rico dated October 4, 2005. Further, pursuant to resolution passed by DWCD at its regular meeting on November 12, 2009, DWCD has approved Rico’s proposal to use up to 80 gpm or 0.178 cfs of the depletion allowance in the 84CW284 instream flow reach as set forth in the proposed decree. (*Kaylea White*)

WATER SUPPLY PROTECTION SECTION NAME CHANGE: The Water Supply Protection Section has existed for many decades under several different names. In an effort to better describe the types of issues and programs that this section works on, the section is changing its name from the Water Supply Protection Section to the Interstate & Federal Section. (*Ted Kowalski*)

~ATTACHMENTS~

- 01 Field Hearing Testimony
- 02 Colorado River Operations Letter
- 03 Article – Kansas Asks High Court to Rule on Republican River Draws
- 04 Article – River Fight Goes to Supreme Court
- 05 CWCBC Resolution for Raymond B. Wright
- 06 CWCBC Resolution for Hamlet “Chips” Barry
- 07 Legislative Bills
- 08a USGS & Reclamation Fact Sheet – Saltcedar & Russian Olive in the U.S.
- 08b Article: USGS – Invasive Saltcedar & Russian Olive Trees
- 08c Article: Los Angeles Times – Digging Up Saltcedar Won’t Boost Water Supplies
- 08d Article: The Daily Sentinel – Tamarisk No Thirstier than Trees
- 08e Article: The Daily Sentinel – Geological Study Cuts Tamarisk a Break
- 08f Article: The Durango Telegraph – A Tamer View of Tamarisk
- 08g Tamarisk Comments from Ken Lair
- 09 Severance Tax Trust Fund Operational Account Recommendations
- 10a Water Supply Reserve Account Balance Summary
- 10b Completed WSRA Projects
- 10c WSRA Projects in Progress
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Written Statement of
 Jennifer Gimbel, Director of the Colorado Water Conservation Board
 on behalf of
 The States of Colorado, New Mexico, Utah and Wyoming, and
 The Upper Colorado River Commission
 To the
 Subcommittee on Water and Power,
 Committee on Natural Resources,
 United States House of Representatives
 April 9, 2010
 Las Vegas, NV

“Collaboration on the Colorado River: Lessons Learned to Meet Future Challenges.”

Good morning Madam Chairwoman and members of the Subcommittee. I am Jennifer Gimbel, the Director of the Colorado Water Conservation Board. In my role as director, I carry out the policies and directives of a citizen board relating to the conservation, development and utilization of Colorado’s water resources. I also serve the state of Colorado as commissioner to the Upper Colorado River Commission. I appreciate this opportunity to testify today on the topic of “Collaboration on the Colorado River: Lessons Learned to Meet Future Challenges.” The state of Colorado maintains a strong tradition of seeking out and building consensus on this river. This testimony briefly reviews the history of collaboration among the seven basin states, American Indian tribes, and the federal government, and then discusses some of our current collaborative efforts in the basin. I am testifying on behalf of the States of Colorado, New Mexico, Utah, and Wyoming, and also on behalf of the Upper Colorado River Commission. This written testimony focuses on five topics that you highlighted in your March 26, 2010 letter: 1) history and past challenges; 2) challenges in the near and long term; 3) existing frameworks to address challenges; 4) potential confrontations and possible resolutions; and, 5) the proper federal role in addressing challenges.

HISTORY OF COLLABORATION AND PAST CHALLENGES

History has shown that collaboration is a necessary ingredient for action in the Colorado River basin. Beginning in 1917, water users throughout the Colorado River basin formed the League of the Southwest. The League’s goal was collaboration and cooperation on a regional level. The constitution of that organization pledged the League to “foster closer social and commercial relations and to link the communities of the Southwest in a spirit of brotherhood and the promotion of the civic, commercial and social interests of the territory.”¹ Discussions within this organization laid the groundwork for the ultimate exercise of collaboration on the river—an interstate agreement upon which the basin’s legal framework would rest—the Colorado River Compact of 1922.

¹ Norris Hundley, Jr., *Water and the West*, Univ. of California Press, 2d ed. (2009), p. 56.

States had never before attempted to apportion a stream. Colorado water lawyer Delphus E. Carpenter was the first to suggest that the basin should turn its gaze away from litigation and toward collaboration around an interstate agreement. Carpenter advocated using the compact clause of the U.S. Constitution to resolve interstate water disputes. The compact clause allows interstate agreements between states so long as Congress consents.² When the League passed a resolution that the states should pursue an interstate water compact, Carpenter stated: "This is just the beginning of what has been the dream of... more than one generation.... We wish to treat before war, and this is, we hope, the beginning of the treaty."³ Cooperation and collaboration were required ingredients if Carpenter's method was to work. Then, as now, with these ingredients, the most intractable problems could dissolve; without them, protracted litigation seemed inevitable.

On November 24, 1922, representatives from the seven basin states signed the Colorado River Compact in Santa Fe, New Mexico. The compact's major purposes reflect the spirit of cooperation required by such an agreement:

to provide for the equitable division and apportionment of the use of the waters of the Colorado River system; to establish the relative importance of different beneficial uses of water; *to promote interstate comity; to remove causes of present and future controversies* and to secure the expeditious agricultural and industrial development of the Colorado River Basin, the storage of its waters, and the protection of life and property from floods.⁴

The Colorado River Compact touched off a series of laws and collaborative efforts in the basin that we call "the Law of the River." The following are a few examples in the rich history of cooperation in the basin:

- In 1928, the Boulder Canyon Project Act allowed for construction of Hoover Dam and Lake Mead but also provided for the study of projects throughout the basin.⁵
- In 1938, the basin states formed the Committee of Sixteen and the Committee of Fourteen to negotiate power contracting and Mexican treaty issues. These collaborative efforts involved representatives from the basin states as well as Hoover power contractors.
- In 1948, the Upper Colorado River Basin Compact was signed. That compact apportioned use of water in the upper basin and created the Upper Colorado River Commission. Many forget, however, that the upper basin includes a portion of Arizona. Therefore, Arizona's cooperation was necessary in negotiating the Upper Basin Compact with Colorado, Wyoming, New Mexico, and Utah.
- In 1956, the Colorado River Storage Project Act authorized the construction of Lake Powell, Flaming Gorge, Aspinall, and Navajo reservoirs in addition to several

² U.S. Constitution, art. I, § 10.

³ Hundley, note 1 *supra*, at 108.

⁴ Colorado River Compact, art. I (1922) (emphasis added); see 45 Stat. 1057 (ratification).

⁵ Boulder Canyon Project Act, 45 Stat. 1057, § 15 (1928).

participating projects. Without collaboration between the upper basin states, the basin states as a whole, and the federal government, none of these storage projects would exist.

- In the years leading up to 1968, the basin states collaborated to inform passage of the Colorado River Basin Project Act. Congress recognized the need for collaboration and included language directing the Secretary of the Interior to develop long-range operating criteria for the Colorado River Storage Project facilities *in consultation and cooperation with the basin states*.⁶

These laws, guidelines, and programs demonstrate the ability of the states and the federal government to cooperate in moving difficult Colorado River issues forward.

To be sure, the basin has seen its fair share of flashpoints, disagreement, and strife, but the basin states have cultivated a spirit of collaboration that pervades many of the issues currently under discussion.

This history of collaboration has continued more recently in a number of activities involving the water resources of the Colorado River. For example, in 2003 the Colorado River Quantification Settlement Agreement was signed, along with 34 related agreements (commonly referred to as the QSA). The QSA implemented the California 4.4 Plan and the Colorado River Interim Surplus Guidelines that were approved by the basin states in 2001. These Guidelines and the QSA reduced uncertainty among the basin states, and demonstrate a more recent example where Colorado River basin states and stakeholders were able to develop agreements to resolve their differences.

This cooperative endeavor also paved the way for the development of the 2007 Interim Guidelines in which the Secretary collaborated with the basin states to remove political considerations from managing the Colorado River system under drought and low reservoir conditions to offer a secure foundation upon which to build important initiatives necessary to achieve greater flexibility in use and development of the Colorado River resource. The Secretary has further solidified this collaborative relationship by joining in the Agreement executed among the basin states as part of the Interim Guideline process. The Agreement requires consultation between the Secretary and States over any disagreement concerning Colorado River legal matters as a prerequisite to litigation. The Secretary memorialized the importance of this Agreement in the Record of Decision for the Interim Guidelines which provides:

Importantly for the long-term management of the Colorado River, adoption of this decision activities a legal agreement among the Basin States that contains a critically important provision: the Basin States have agreed to mandatory consultation provisions to address future controversies on the Colorado River through consultation and negotiation, as a requirement, before resorting to litigation. With respect to the various interests, positions and views of each of the

⁶ See Colorado River Basin Project Act, 82 Stat. 900, § 602(a) (1968).

seven Basin States, this provision adds an important new element to the modern evolution of the legal framework for prudent management of the Colorado River.

The 2007 Guidelines have been described as the most important agreement involving the Colorado River since the 1922 Colorado River Compact, and in 2009, Secretary Salazar recognized the Bureau of Reclamation, the basin states, and other participants, with the distinguished Partners in Conservation Award.

CURRENT AND FUTURE CHALLENGES AND EXISTING FRAMEWORKS

The basin states, the federal government, and interested stakeholders are involved in a number of collaborative efforts that are still being developed, as well as collaborative efforts that are ongoing. The existing framework related to each one of these efforts is described below.

Colorado River Basin Supply and Demand Study. One such collaborative effort is the “Colorado River Basin Water Supply and Demand Study” under the Bureau of Reclamation's Basin Study Program. This comprehensive study is being conducted between January 2010 and January 2012 to identify current and future water supply and demand imbalances in the Basin, assess the risks to basin resources, and develop and analyze adaptation and mitigation strategies to resolve any recognized imbalances for the benefit of all Colorado River stakeholders. The basin states are a full partner with the Bureau of Reclamation, each dedicating 50% of the \$2 million cost of the study. The study is being lead by a project team made up of federal and state personnel. There is a public involvement plan that is being implemented through this study, and the project team is also working directly with environmental and power interests to assure appropriate input from these stakeholders.

Glen Canyon Dam Adaptive Management Work Group. With respect to Glen Canyon Dam operations, each basin state is a member of a collaborative process called the Adaptive Management Work Group (the “AMWG”)—a federal advisory committee that gathers input from a wide array of stakeholders. The AMWG is a key component of the environmental compliance Congress directed the Secretary of the Interior to undertake in the Grand Canyon Protection Act. Other members of this committee include each of the federal cooperating agencies, environmental groups, recreation interests, and contractors for federal power from Glen Canyon Dam. The Secretary brings these varied interests together to reach a consensus on how to protect downstream resources and strike a wise balance on river operations. The AMWG has been and remains an appropriate mechanism for continuing the consultation necessary to meet the respective stewardship obligations of stakeholders on the Colorado River.

U.S. – Mexico Negotiations. The basin states and major water utilities, through the auspices of the Departments of State and Interior and the International Boundary and Water Commission, are currently engaged in productive and far-reaching discussions with the Republic of Mexico and the States of Baja California and Sonora. These discussions are designed to expand on the initiatives enacted through the 2007 Guidelines

and provide for more secure water management of the Colorado River for the benefit of water users and the environment in Mexico, and also to allow for access to additional water supplies in Mexico for use in the United States. These negotiations depend on a secure foundation of water management and regulation in the United States, and predictability of water supply. Any prospect of disruptions to the operational regime in the United States will create uncertainty in this negotiation process and adversely affect the positive relationship and discussions with Mexico. It is through the leadership of Lori Lee Gray that this process has made great strides towards success and the Upper Division states are committed to supporting this effort.

Fish Recovery Programs. The Upper Colorado River Endangered Fish Recovery Program and San Juan River Recovery Implementation Program are excellent illustrations of public, governmental, and private collaboration. Established in 1988 and 1992, respectively, these programs seek to recover the four species of endangered fish that inhabit the Colorado River and its tributaries while water use and development proceed in compliance with interstate compacts, state law, the Endangered Species Act ("ESA"), and federal trust responsibilities to the Southern Ute, Ute Mountain Ute, Navajo, and Jicarilla American Indian tribes. These recovery programs are providing ESA compliance for more than 1600 federal, tribal, and non-federal water projects in the Colorado and San Juan rivers and their tributaries in Colorado, Utah, Wyoming, and New Mexico. There has been no litigation regarding ESA compliance on any of these water projects. These programs have been repeatedly recognized by the Department of the Interior as national models for resolving conflict between endangered species and water development.⁷

POTENTIAL CONFRONTATIONS AND POSSIBLE RESOLUTIONS

The States and interested stakeholders face many potential confrontations in each of the identified negotiations, processes, and programs described above. However, the continued commitment to work through differences by staying at the negotiating table has succeeded in the past, and I strongly believe that negotiations can resolve existing and future disputes in the future. While litigation has occurred in the past, is occurring now, and will occur in the future regarding the water resources of Colorado River, litigation is not the best method for resolving disputes. I am particularly concerned about the Grand Canyon Trust litigation in the context of the Glen Canyon Dam Adaptive Management Work Group (AMWG) efforts. The Grand Canyon Trust's decision to litigate the Department of the Interior's operation of Glen Canyon Dam while continuing to participate as a member of AMWG has stifled useful communication and made the process less productive. How to resolve this situation is something we need to consider. Currently, I am serving on the Charter Ad Hoc Group that is charged with looking at possible revisions to the AMWG Charter and I expect this issue will be discussed.

⁷ Most recently in 2008, when recovery program participants received the Secretary of the Interior's Cooperative Conservation Award.

FEDERAL ROLE

The role of the federal government in each one of these efforts differs but is important to success. In the Colorado River Basin Water Supply and Demand Study, the federal government is acting as a partner with the States, and is providing technical expertise and information. In the U.S.-Mexico negotiations, the federal government provides representation of United States in discussions with Mexican federal representatives. In the AMWG process, the federal government is a decision-maker that is advised by the various interested stakeholders. The fact that the federal government is able to play versatile roles under the various federal programs is of great benefit to the Colorado River stakeholders. In the future, the federal government will need to offer continued leadership, through commitment of funding, to invest in repairing existing water infrastructure and in establishing additional water infrastructure. The water challenges of the future regarding the Colorado River basin are many and great. No one State or stakeholder will be able to address the challenges alone. However, the States together with other interested stakeholders, including the federal government, will be able to rise to meet these challenges.

CONCLUSION

In preparing these remarks, I was reminded of Benjamin Franklin's famous quote: "If we do not hang together, we will all hang separately." Water issues are difficult because the resource is so essential to our environment, our economy, our existence. But the basin's history instructs us that cooperation can resolve tough disputes. We must have all of the sovereigns at the table when dealing with issues that will impact them. The basin states, American Indian tribes, and the federal government must continue to embrace cooperation and collaboration in resolving the difficult issues we face today.

Thank you for the opportunity to testify today. I am happy to respond to any questions.



**The States of Arizona, California, Colorado, Nevada,
New Mexico, Utah and Wyoming
Governor's Representatives on Colorado River Operations**

April 5, 2010

Mr. Tom Ryan
U.S Bureau of Reclamation
Upper Colorado Region

VIA EMAIL ONLY: Protocol@usbr.gov

RE: Scoping Comments for Development of Experimental Protocol for High-Flow Releases from Glen Canyon Dam pursuant to the Federal Register Notice at 74 Fed. Reg. 250 (December 31, 2009).

Dear Mr. Ryan:

The seven Colorado River Basin States ("Basin States" or "States") thank you for the opportunity to provide the following comments on the Secretary of the Interior's ("Secretary") proposal to develop a multi-year protocol for high-flow experiments ("HFE") from Glen Canyon Dam. The States' comments provide scoping recommendations for the proposed action that are in addition to each State's respective verbal comments provided at the Adaptive Management Work Group ("AMWG") meeting on February 3, 2010 in Phoenix, Arizona. The States support the Secretary's development of an HFE Protocol through the AMWG process, and consider it an appropriate mechanism for continuing the collaboration necessary to meet our respective stewardship obligations on the Colorado River.

The Federal Register Notice for the HFE Protocol characterizes the initiative as part of Interior's ongoing adaptive management efforts to comply with the Grand Canyon Protection Act of 1992 ("GCPA"). The States wish to emphasize that Section 1802(b) of the GCPA requires the HFE Protocol to be developed consistent with and subject to specific elements of the Law of the River, including the 1922 Colorado River Compact, 1948 Upper Colorado River Basin Compact, 1944 Water Treaty between U.S. and Mexico, the Arizona v. California decree, and provisions of the 1956 Colorado River Storage Project Act and 1968 Colorado River Basin Project Act. The HFE Protocol should not, therefore, undermine, conflict, or interfere with operations that effectuate the rights and obligations created by these laws or their implementing documents, including but not limited to the 1970 Coordinated Long Range Operating Criteria ("LROC") and *2007 Interim Guidelines for Lower Basin Shortages and Coordinated Operation of Lake Powell and Lake Mead* (Interim Guidelines).

In addition, the Senate Report on the GCPA recognizes that annual and monthly reservoir operations at Glen Canyon Dam are based on water supply considerations, water delivery requirements, and the avoidance of anticipated spills from Lake Powell as established under the LROC pursuant to the Law of the River. It further acknowledges that changes to operations at Glen Canyon Dam in accordance with the GCPA should be made within the constraints of monthly volumes to be released, and focus primarily on the hourly, daily and weekly fluctuations in releases to accommodate power operations. Given this framework, the States maintain that the HFE Protocol should not authorize HFE releases that have the potential to alter either annual or monthly release determinations at Glen Canyon Dam pursuant to the LROC as currently implemented by the 2007 Interim Guidelines. We understand that adjustment of some

Mr. Tom Ryan
April 5, 2010

monthly volumes to create the high flow experiment while facilitating efficient hydroelectric power generation will occur as necessary consistent with the LROC and the purposes for which Glen Canyon Dam was constructed. It should also be understood that the conduct of an HFE must not cause a shift from one operational tier to another as defined in the 2007 Interim Guidelines.

The States support the Secretary's characterization of the HFE Protocol as an experimental initiative under the Glen Canyon Adaptive Management Program ("GCAMP"). We further maintain that such initiative must remain experimental in nature until there is a sound legal, financial and scientific basis for making it a permanent management action. Since the inception of high-flow tests in 1996, the Upper Division States have asserted that releases in excess of power plant capacity at Glen Canyon Dam overlook the operating constraints established by the 1956 Colorado River Storage Project Act ("CRSPA") and the 1970 LROC as promulgated in accordance with the 1968 Colorado River Basin Project Act. Despite this concern, these States have consented in the past to high-flow test releases from Glen Canyon Dam on a limited basis on grounds that either hydrologic and resource triggers for the test releases would coincide with conditions warranting power plant bypasses to avoid spills and promote dam-safety or because experimental releases would provide needed experience and knowledge with respect to the interplay between reservoir operations and environmental resources. The States do not oppose developing an HFE Protocol under these same conditions with the understanding that the Secretary must address the CRSPA and LROC's constraints on Glen Canyon Dam operations before making high-flow releases available as a potential management action.

The States request that the Secretary be mindful of the financial limitations associated with funding adaptive management programs when developing the HFE Protocol. The Protocol must be designed so that there is an appropriate consideration of the costs and other resource limitations (i.e., mitigation considerations and energy costs) that may effect whether an HFE should occur. The HFE Protocol must consider the limited funding available to accomplish adaptive and other resource management objectives within the Colorado River basin, including, but not limited to, the financial condition of the Basin Fund to meet its contractual requirements. To assure efficient and effective use of resources, therefore, the HFE Protocol should include an opportunity for Colorado River resource managers to have input into whether a particular HFE is an appropriate use of funds in the context of GCAMP and the greater context of the Law of the River.

The HFE Protocol should be developed using the best available scientific information and building from the data and information accrued from prior high-flow experiments at Glen Canyon Dam. The science questions used in the Protocol should be narrow in scope to apply to the resources being studied downstream from Glen Canyon dam and their relationship to the directives in the GCPA. As an example, how sediment transport affects the establishment of backwaters and beaches should be related to the effectiveness of backwaters to improve the status of endangered species and create the desired number of beaches. Implementation of the Protocol should not replace or interfere with ongoing adaptive management actions, including, but not limited to the *Experimental Releases from Glen Canyon Dam, Arizona between 2008-2012*. Furthermore, the HFE Protocol should be implemented on an interim basis to afford the Secretary the flexibility to learn from and evaluate the effectiveness of instituting (for the first time) a programmatic experimental action under the auspices of GCAMP without committing valuable resources unnecessarily.

It is our current understanding that the Protocol will be finalized prior to synthesizing the collective knowledge to be gained from the high-flow release experiments performed in 1996, 2004 and 2008. Not only does this schedule preclude consideration of a significant amount of data useful to the Protocol process, it also discounts the congressional directive to the Secretary dated May 15, 2008 requesting that all data and analyses resulting from the prior experiments be provided "before further action is taken at Glen Canyon Dam." The States urge the Secretary to revise the proposed schedule for developing the

Mr. Tom Ryan
April 5, 2010

Protocol to comport with Congress' request and to incorporate the data from previous tests to ensure results from the synthesized evaluation of earlier high-flow tests can effectively inform the HFE Protocol's development.

Consistent with Section 1804(c) of the GCPA, reporting on HFE operations under the proposed Protocol should remain separate from and in addition to the Annual Operating Plan for Colorado River Reservoirs required by the 1968 Colorado River Basin Project Act. In addition, the Secretary should insure that the results from any future high flow test are made available promptly and before successive tests are designed and implemented.

The Basin States appreciate Interior's leadership with respect to this important matter and look forward to continuing our collaborative partnership through AMWG and the formal NEPA process to develop a successful HFE Protocol that is mindful of the States' interests and consistent with the operational constraints of the legal framework for the Colorado River.

Sincerely,

Governors' Representatives
Colorado River Basin States



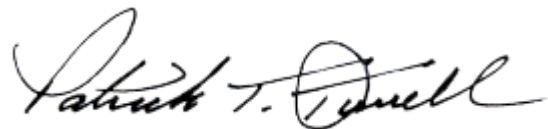
Herbert R. Guenther, Director
Arizona Department of Water Resources



Jennifer Gimbel, Governor's Representative
State of Colorado



George M. Caan, P.E., Executive Director
Colorado River Commission of Nevada



Patrick T. Tyrrell, State Engineer
State of Wyoming



Gerald R. Zimmerman, Executive Director
Colorado River Board of California



Patricia Mulroy, General Manager
Southern Nevada Water Authority



John R. D'Antonio, Jr., Governor's Representative
State of New Mexico and
Secretary, N.M. Interstate Stream Commission



Dennis J. Strong, Director
Utah Division of Water Resources
Utah Interstate Stream Commissioner

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Kansas asks high court to rule on Republican River draws

By Bruce Finley
The Denver Post

Published: 05/05/2010 01:01:00 AM MDT

Updated: 05/05/2010 01:01:15 AM MDT

Kansas on Tuesday ratcheted up its fight for water from the Republican River, which flows from eastern Colorado through Nebraska into Kansas, asking the U.S. Supreme Court to intervene in the long-running dispute.

The case that Kansas filed in the high court targets Nebraska but also names Colorado. All three states are parties to the 1942 Republican River Compact that divvied up the river's water.

Towns and farmers in Kansas "have been deprived of the water they rely upon," Kansas Attorney General Steve Six said. He vowed to "continue this fight until Nebraska complies with our agreement."

A 2002 settlement of a 1998 lawsuit unraveled. That led to nonbinding arbitration, in which the arbitrator found that Kansas had not proved its case.

Colorado Attorney General John Suthers expressed disappointment at the slide into litigation.

"We have seen in the past that litigation is not an effective or efficient alternative for resolution of interstate disputes," Suthers said.

Suthers called on Nebraska and Kansas "to sit down with us" to hash out a solution.

Suthers recently convened top legal officials from Western states at a forum in Colorado aimed at building understanding and collaboration in addressing water issues.

Kansas officials have been trying to bring groundwater pumping along the river in Nebraska under control.

Past agreements were aimed at letting states monitor and control water use to comply with the 1942 compact, which allotted 300,000 acre-feet a year for Nebraska, 240,000 acre-feet a year for Kansas and 40,000 acre-feet a year for Colorado.

Kansas officials argue that Kansas is losing 16 percent of its water under the compact.

Bruce Finley: 303-954-1700 or

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Published May 4, 2010

Published Wednesday May 5, 2010

River fight goes to Supreme Court

By [David Hendee](#)

WORLD-HERALD STAFF WRITER



THE WORLD-HERALD

The Republican River, south of Arapahoe, Neb.

Nebraska Attorney General Jon Bruning said he is prepared to “vigorously defend the state” if a Kansas-Nebraska water dispute returns to the U.S. Supreme Court.

Kansas asked the high court Tuesday to order Nebraska to live up to a 2003 settlement between the neighboring states outlining their rights to water from the Republican River basin.

The Kansas lawsuit argues that Nebraska should be held in contempt of court for using more than its share of the water and violating the court’s order adopting the settlement.

Bruning, who had hoped the states would resolve the lingering issue without returning to the Supreme Court, said Nebraska has been out of the red-ink side of the water ledger with Kansas for four consecutive years.

“Thanks to the hard work of Nebraska’s irrigators, the state has been in compliance since 2006,” he said. “We intend to continue working with local natural resources districts to stay in compliance.”

Nebraska has violated a three-state compact allocating the basin’s water and has failed to take actions necessary to avoid future violations, especially in the inevitable dry periods to come, according to Kansas’ court filing.

“Kansas farmers and communities have been deprived of the water they rely upon in the past and will again under Nebraska’s current policies,” said Kansas Attorney General Steve Six. “My office will continue this fight until Nebraska complies with our agreement.”

Kansas argues that Nebraska should pay damages to Kansas for the violations. Kansas once claimed \$72 million in damages.

David Barfield, the Kansas water czar, said Kansas only wants to ensure that it get the water it is due.

“We’re not trying to be litigious,” he said. “We just want Nebraska to be fair.”

Kansas originally sued Nebraska over the issue in 1998. The states reached an agreement in 2003. Nebraska’s overuse of the basin’s water in 2003 through 2005 is part of Kansas’ new complaint.

Six said Nebraska’s water violations are not trivial. He said Nebraska is “institutionally handicapped” to manage its water because duties are split between local and state governments.

Last summer, both states claimed victory after an arbitrator released a nonbinding ruling attempting to settle the dispute. The states accepted parts of the decision and rejected others.

Nebraska agreed that it owed Kansas a token \$10,000 in damages for farmers' overuse of Republican River water in 2005 and 2006.

Kansas rejected the arbitrator's recommendations that damages be limited and that sanctions must await additional violations by Nebraska.

Kansas accepted the arbitrator's statement that Nebraska's attempts to comply were inadequate and that Nebraska should further reduce the amount of underground water that farmers pump to irrigate crops in the basin.

Nebraska rejected the arbitrator's recommendation that Nebraska and the Upper, Middle and Lower Republican Natural Resources Districts make deeper cuts in the amount of groundwater pumped.

Nebraska irrigators have argued that major pumping restrictions would devastate the region's economy.

And Nebraska rejected the idea that a federal river master should take control of water use in the Republican valley.

Kansas families suffer due to Nebraska's irresponsible actions, Six said.

"We believe the Supreme Court will recognize this and direct Nebraska to, finally, live up to its obligations," he said.

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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



RESOLUTION OF APPRECIATION
ADOPTED BY THE COLORADO WATER CONSERVATION BOARD
HONORING THE LATE RAYMOND B. WRIGHT,
FORMER BOARD MEMBER AND CHAIRMAN OF
THE COLORADO WATER CONSERVATION BOARD
ON A DISTINGUISHED CAREER OF SERVICE TO
COLORADO AND HER CITIZENS

Bill Ritter, Jr.
Governor

James B. Martin
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

WHEREAS, Raymond B. Wright served as a board member of the Colorado Water Conservation Board from 1984 to 1996, and from 2002 to 2005; and,

WHEREAS, during much of Ray Wright's service as a board member of the Colorado Water Conservation Board he served as an effective and distinguished chairman; and,

WHEREAS, Under Ray Wright's leadership, the CWCB endured a period of difficult transitions, initiated the Upper Colorado River Recovery Implementation Program, and began the development of the Colorado Decision Support Systems; and,

WHEREAS, Ray Wright tirelessly and creatively worked to address water issues in the Rio Grande Valley through his work with the Rio Grande Water Conservation District as a board member since 1985 and board president since 1996, successfully helping to craft and advocate for groundwater management subdistricts; and,

WHEREAS, Ray Wright served as a distinguished and involved legislatively appointed member of the Rio Grande Basin Roundtable since its inception in 2005; and,

WHEREAS, Ray Wright served as an engaged and thoughtful member of Colorado's Interbasin Compact Committee, representing the Rio Grande Basin since its inception in 2006; and,

WHEREAS, Ray Wright was actively involved in the community as a successful agriculturalist and contributor to the Rio Grande Headwaters Restoration Project, the Rio Grande Headwaters Land Trust and the San Luis Valley Wetlands Area Focus Committee; and,

WHEREAS, Ray Wright served as an invaluable resource to the Colorado Water Conservation Board, IBCC and Rio Grande Basin Roundtable, providing valuable counsel and friendship;

NOW THEREFORE, BE IT RESOLVED that the Colorado Water Conservation Board, at its May 17-19, 2010 meeting in Denver, Colorado, does hereby express, on behalf of the people of the State of Colorado, its deep gratitude and appreciation for the untiring service and dedication rendered by Raymond B. Wright.

Dated this _____ Day of May 2010,

Geoff Blakeslee, Chair
Colorado Water Conservation Board

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



RESOLUTION OF APPRECIATION
ADOPTED BY THE COLORADO WATER CONSERVATION BOARD
HONORING THE LATE HAMLET “CHIPS” BARRY,
FORMER MANAGER OF DENVER WATER
AND FORMER DIRECTOR OF
THE COLORADO DEPARTMENT OF NATURAL RESOURCES
ON A DISTINGUISHED CAREER OF SERVICE TO
COLORADO AND HER CITIZENS

Bill Ritter, Jr.
Governor

James B. Martin
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

WHEREAS, Hamlet “Chips” Barry served as an effective and distinguished Manager of Denver Water from 1991 until his untimely death in 2010; and,

WHEREAS, Chips Barry served as the Executive Director of the Colorado Department of Natural Resources under Governor Roy Romer from 1987 to 1990; and,

WHEREAS, Chips Barry served as an engaged and thoughtful member of Colorado’s Interbasin Compact Committee, representing the Metro Roundtable since its inception in 2006; and,

WHEREAS, Chips Barry served as a distinguished and involved legislatively appointed member of the Metro Basin Roundtable since its inception in 2005; and,

WHEREAS, Chips Barry tirelessly worked to address water issues in Colorado to provide for over 1.3 million Denver Water customers while seeking to creatively balance diverse statewide water interests; and,

WHEREAS, during his tenure at Denver Water, Chips Barry implemented a conservation program that is nationally and internationally recognized as a model of success, built a recycled water distribution system, invested millions of dollars in treatment facility improvements, managed reservoir recovery from several devastating wildfires and led the work to recover from one of the worst droughts in the city’s history; and,

WHEREAS, Chips Barry was an active supporter of improving water and sanitation to disadvantaged communities around the world through his involvement with Water For People, serving on the Board Directors as Director from 1999 to 2005 and Treasurer from 2005 to 2009; and,

WHEREAS, Chips Barry served as an invaluable and affable resource to the Colorado Water Conservation Board, Denver Water, IBCC, Metro Roundtable, and countless others in Colorado, providing priceless counsel and friendship;

NOW THEREFORE, BE IT RESOLVED that the Colorado Water Conservation Board, at its May 17-19, 2010 meeting in Denver, Colorado, does hereby express, on behalf of the people of the State of Colorado, its deep gratitude and appreciation for the untiring service and dedication rendered by Hamlet “Chips” Barry.

Dated this _____ Day of May 2010,

Geoff Blakeslee, Chair
Colorado Water Conservation Board

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
FROM: Jennifer Gimbel
Linda Bassi
Lisa Barr
DATE: May 7, 2010
SUBJECT: Agenda Item 6d, May 18-19, 2010 Board Meeting
Director's Report – Legislative Updates

Bill Ritter, Jr.
Governor

James B. Martin
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Below is a list indicating the status of water-related legislation that has been introduced and considered by the General Assembly. This legislation may be reviewed online at <http://www.leg.state.co.us>.

BILL HB10-1051

Short Title: Water Efficiency Plans Annual Reports

Position: DNR support

CWC Position: Support

Sponsors: POMMER / WHITEHEAD

Establishes additional requirements that must be included in water providers efficiency plans and in 2013 requires annual report to Colorado water conservation board on total amount of water provided to major sectors of customers, number of taps or accounts per sector, resident population estimate and total population served along with other information.

Status

01/13/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
04/07/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole
04/12/2010 House Second Reading Passed with Amendments
04/13/2010 House Third Reading Passed
04/19/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
04/22/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Senate Committee of the Whole
04/27/2010 Senate Second Reading Passed
04/28/2010 Senate Third Reading Passed

BILL HB10-1086

Bill has been Postponed Indefinitely.

Short Title: Ltd Liab Water Right Recreation Purposes

CWC Position: Amend

Sponsors: CURRY / HODGE

Amends liability law to provide that facilities constructed for the diversion, storage conveyance, or use of water is not an attractive nuisance. Limits landowner liability for injuries caused by recreational use on land and expands definition of recreational use to include rafting, boating, kayaking, canoeing as well as other activities.

Status

01/13/2010 Introduced In House - Assigned to Judiciary

01/28/2010 House Committee on Judiciary Postpone Indefinitely

BILL HB10-1159

Bill was lost on 2nd Reading in the House.

Short Title: Mitigation For Water Exports

CWC Position:

Sponsors: PACE / GIBBS

HB10- 1159. WATER COURT'S AUTHORITY TO CONSIDER CONDITIONS IN DECREES TO ADDRESS THE EFFECTS OF A WATER EXPORT ACROSS WATER DIVISION BOUNDARIES. Requires a water judge to consider terms and conditions to ensure that protect present and prospective beneficial uses of water within the water division from which the water is transferred. Applies to decrees for water rights, leases of water for at least 10 years, or changes of use of water rights that divert at least 1000 acre-feet of consumptive use per year. Allows requirement to be met by entering into a mitigation agreement with the water conservation district and conservancy districts from within whose boundaries the waters are proposed for diversion or within whose boundaries water is purchased. Terms and conditions must be included in the decree and must have been subject to noticed forty-five days in advance of public meetings to hear comments on the proposed agreement.

Status

01/20/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

02/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole

02/05/2010 House Second Reading Lost

BILL HB10-1188

Short Title: Clarify River Outfitter Navigation Right

CWC Position: Oppose

Sponsors: CURRY / HODGE

Provisions of HB 1188 are essentially those seen in the draft bill concerning river outfitters. The bill:

*Clarifies that a guide employed by a licensed river outfitter and the guide's passengers may float on waterways that have historically been used for commercial float trips without committing civil or criminal trespass if they gain access to the waterway from public land or from private land with consent and make only incidental contact with the beds and banks of the waterway while floating and portaging; * Limits a landowner's liability to such persons to damages willfully or deliberately caused by the landowner unless the person is an invitee or licensee of the landowner; * Specifies that such a person who damages private property is liable for the damage; and * Specifies that nothing in the law regulating river outfitters affects water rights. Section 3 makes a conforming and clarifying amendment to the criminal trespass statute. Amended in committee to 1) clarify that bill does not impose a public trust doctrine; 2) restrict application to river guides who have operated during 2008 or 2009; and 3) clarify that incidental contact does not include dragging or dropping anchor or intentionally broaching a vessel; 4) define hazard as a threat to safety or damage to equipment. Amended on second reading to 1) delete reference to the Shively case; 2) require rafts to identify outfitters name and license number.

Status

01/22/2010 Introduced In House - Assigned to Judiciary

02/08/2010 House Committee on Judiciary Refer Amended to House Committee of the Whole

02/11/2010 House Second Reading Laid Over Daily

02/12/2010 House Second Reading Special Order - Passed with Amendments

02/15/2010 House Third Reading Laid Over Daily

02/16/2010 House Third Reading Passed
 03/02/2010 Introduced In Senate - Assigned to Judiciary
 03/15/2010 Senate Committee on Judiciary Refer Amended to Senate Committee of the Whole
 03/18/2010 Senate Second Reading Laid Over Daily
 03/19/2010 Senate Second Reading Passed with Amendments
 03/22/2010 Senate Third Reading Passed
 03/24/2010 House Considered Senate Amendments - Result was to Laid Over Daily
 03/29/2010 House Considered Senate Amendments - Result was to Laid Over Daily
 04/23/2010 House Considered Senate Amendments - Result was to Not Concur - Request Conference Committee

BILL HB10-1204

Short Title: Plumbing Code Water Conservation Std

Position:

CWC Position: Monitor

Sponsors: SOPER / TOCHTROP

Requires the plumbing code adopted by the examining board of plumbers in the department of regulatory agencies to include standards for water efficiency and conservation, water-efficient fixtures and installation guidelines, and the use of locally produced materials. Amended in committee to define conservation as efficiency measures as adopted by the Board, that meet national guidelines and standards and are tested and approved by a nationally recognized testing laboratory, including: water efficient devices and fixtures; and the use of locally produced materials when practicable to reduce transportations impacts. When conservation and safety conflict, primary consideration shall be given to safety.

Status

01/26/2010 Introduced In House - Assigned to Business Affairs and Labor
 02/10/2010 House Committee on Business Affairs and Labor Refer Amended to House Committee of the Whole
 02/17/2010 House Second Reading Passed with Amendments
 02/18/2010 House Third Reading Passed
 02/19/2010 Introduced In Senate - Assigned to Business, Labor and Technology
 03/03/2010 Senate Committee on Business, Labor and Technology Refer Unamended to Senate Committee of the Whole
 03/08/2010 Senate Second Reading Laid Over Daily
 03/12/2010 Senate Second Reading Passed
 03/15/2010 Senate Third Reading Passed
 03/22/2010 Signed by the Speaker of the House
 03/25/2010 Signed by the President of the Senate
 03/25/2010 Sent to the Governor
 04/05/2010 Governor Action - Signed

BILL HB10-1250

Short Title: Water Conservation Board Construction Fund

Position: Support

CWC Position: Support

Sponsors: FISCHER / HODGE

Appropriates the following amounts from the Colorado water conservation board construction fund for the following projects: * \$250,000 for continuation of satellite monitoring system maintenance; * \$50,000 for instream flow engineering and technical support services; * \$175,000 for continuation of the weather modification program; * \$500,000 for continuation of the Colorado floodplain map modernization program; * \$250,000 for continuation of the watershed restoration program; and * Up to \$300,000 to restore the unencumbered balance in the flood response fund to \$300,000.

Status

02/03/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 02/03/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Appropriations
 02/24/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to Appropriations
 03/05/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole
 03/08/2010 House Second Reading Laid Over to 03/12/2010
 03/09/2010 House Second Reading Laid Over Daily
 03/10/2010 House Second Reading Laid Over to 03/12/2010
 03/12/2010 House Second Reading Passed
 03/15/2010 House Third Reading Passed
 03/18/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 03/18/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources + Appropriations
 04/15/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Appropriations
 04/30/2010 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole
 05/04/2010 Senate Second Reading Laid Over Daily
 05/07/2010 Senate Second Reading Special Order - Passed with Amendments

BILL HB10-1327

Short Title: Cash Fund Transfers Augment General Fund

CWC Position: Amend

Sponsors: POMMER / WHITE

Budget Package Bill. For the purpose of augmenting the amount of revenues in the state general fund for the 2009-10 state fiscal year, the state treasurer is required to transfer specified amounts of moneys to the general fund from various listed funds: Among list of funds transferred back to General Fund was \$25 million from the Colorado Water Conservation Board construction fund. Amended in Appropriations to restore funds to CWCB. However, this leaves an unfilled hole in the General Fund budget for the current year which will require removing funds from some other program as the bill moves through the Senate.

Status

02/08/2010 Introduced In House - Assigned to Appropriations
 02/16/2010 House Committee on Appropriations Refer Amended to House Committee of the Whole
 02/17/2010 House Second Reading Special Order - Passed with Amendments
 02/18/2010 House Third Reading Laid Over Daily
 02/19/2010 House Third Reading Passed
 02/19/2010 Introduced In Senate - Assigned to Appropriations
 02/22/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
 02/24/2010 Senate Second Reading Special Order - Passed with Amendments
 02/25/2010 Senate Third Reading Laid Over Daily
 02/26/2010 Senate Third Reading Passed
 03/01/2010 House Considered Senate Amendments - Result was to Lay Over Daily
 03/02/2010 House Considered Senate Amendments - Result was to Laid Over Daily
 03/03/2010 House Considered Senate Amendments - Result was to Not Concur - Request Conference Committee
 03/10/2010 First Conference Committee Result was to Adopt Rerevised
 03/18/2010 Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
 03/22/2010 House Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
 04/05/2010 Signed by the Speaker of the House
 04/07/2010 Signed by the President of the Senate

04/07/2010 Sent to the Governor
 04/15/2010 Governor Action – Signed

BILL HB10-1358

Short Title: Water-smart Homes

Position: Administration and DNR Support

CWC Position: Support

Sponsors: FISCHER / JOHNSTON

The bill requires every person that builds a new single-family detached residence for which a buyer is under contract to offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

- * Installation of water-efficient toilets, lavatory faucets, and Levy, Merrifield, Middleton, Pace, Peniston, Primavera, Ryden, Solano, Todd, Tyler, Vigil, Weissmann showerheads;
- * If dishwashers or clothes washers are financed, installed, or sold as upgrades through the home builder, the model selected must be qualified pursuant to the federal environmental protection agency's energy star program at the time of offering;
- * If front yard landscaping is financed, installed, or sold as upgrades through the home builder and will be maintained by the home owner, either average water use of the landscape must be no more than 10 gallons per square foot per year or turf grass shall not exceed 40% of the landscaped area; and
- * Installation of a pressure-reducing valve that limits static service pressure in the residence to a maximum of 60 pounds per square inch.

Status

03/04/2010 Introduced In House - Assigned to Transportation & Energy
 04/06/2010 House Committee on Transportation & Energy Refer Amended to House Committee of the Whole
 04/09/2010 House Second Reading Laid Over Daily
 04/12/2010 House Second Reading Passed with Amendments
 04/13/2010 House Third Reading Passed
 04/19/2010 Introduced In Senate - Assigned to Local Government and Energy
 04/27/2010 Senate Committee on Local Government and Energy Refer Amended to Senate Committee of the Whole
 04/30/2010 Senate Second Reading Laid Over Daily
 05/06/2010 Senate Second Reading Special Order - Passed with Amendments
 05/07/2010 Senate Third Reading Passed

BILL HB10-1388

Short Title: Cash Fund Transfers Augment General Fund

Position:

CWC Position:

Sponsors: FERRANDINO / TAPIA

Status

03/26/2010 Introduced In House - Assigned to Appropriations
 03/26/2010 Introduced In House - Assigned to Appropriations
 03/30/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole
 03/31/2010 House Second Reading Passed
 04/01/2010 House Third Reading Passed with Amendments
 04/05/2010 Introduced In Senate - Assigned to Appropriations
 04/06/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
 04/08/2010 Senate Second Reading Passed with Amendments
 04/09/2010 Senate Third Reading Passed with Amendments
 04/14/2010 House Considered Senate Amendments - Result was to Laid Over Daily

04/16/2010 House Considered Senate Amendments - Result was to Not Concur - Request Conference Committee
 04/20/2010 First Conference Committee Result was to Adopt Rerevised w/ Amendments
 04/28/2010 Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass
 05/04/2010 House Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass

BILL HB10-1398

Short Title: Species Conservation Trust Fund

Position: DNR Support

CWC Position: Support

Sponsors: FISCHER / WHITEHEAD

The bill appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are Whitehead, candidate species or are likely to become candidate species as determined by the United States fish and wildlife service. The bill also directs the state treasurer to transfer, on July 1, 2010, \$500,000 from the capital account of the species conservation trust fund (capital account), which moneys were appropriated for instream flow protection in fiscal year 2009, to the operation and maintenance account of the species conservation trust fund (operation and maintenance account), for use in the upper Colorado river recovery program. For fiscal year 2011, the bill:

- * Reduces from \$4,000,000 to \$3,000,000 the amount to be transferred to the capital account from the operational account of the severance tax trust fund; and
- * Transfers \$1,000,000 to the operation and maintenance account from the operational account of the severance tax trust fund. For the 2012 and 2013 fiscal years, the bill makes the following transfers from the operational account of the severance tax trust fund:
 - * \$4,500,000 to the capital account; and
 - * \$2,500,000 to the operation and maintenance account.

Status

04/08/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 04/08/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Appropriations
 04/14/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to Appropriations
 04/16/2010 House Committee on Appropriations Refer Unamended to House Committee of the Whole
 04/20/2010 House Second Reading Laid Over Daily
 04/21/2010 House Second Reading Passed
 04/22/2010 House Third Reading Passed
 04/23/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 04/23/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources + Appropriations
 04/28/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Appropriations
 05/04/2010 Senate Committee on Appropriations Refer Unamended - Consent Calendar to Senate Committee of the Whole
 05/06/2010 Senate Second Reading Passed
 05/07/2010 Senate Third Reading Passed

BILL SB10-019

Short Title: Valuation Of New Hydroelectric Facilities

Position:

CWC Position: Support

Sponsors: SCHWARTZ / FISCHER

Previously reviewed as Interim Committee Bill C Requires that a hydroelectric energy facility placed in production on or after Jan. 1, 2010 producing in excess of five megawatts of electricity not to be used primarily on site to be valued for property tax purposes in the same manner as wind or solar facilities (using the income approach). Amended in committee to correct five MW to two; amendment also includes an existing facility not designed primarily to generate energy for consumptive use on site combined with energy efficiency improvements which generate more than two megawatts if the efficiency is 25% greater than the existing facility. Amendment clarifies that the valuation shall be applied to small or low impact hydro. Additional amendments limit valuation applied to hydro facilities to those that do not result in change in quantity or timing of diversions or releases for purposes of peak power generation; include measures to prevent fish entrainment in on-stream reservoirs and natural waterways and do not cause any violation of state water quality standards when operated.

Status

01/13/2010 Introduced In Senate - Assigned to Local Government and Energy
 01/21/2010 Senate Committee on Local Government and Energy Refer Amended to Senate Committee of the Whole
 01/26/2010 Senate Second Reading Laid Over Daily
 02/03/2010 Senate Second Reading Passed with Amendments
 02/04/2010 Senate Third Reading Laid Over Daily
 02/11/2010 Senate Third Reading Passed with Amendments
 02/12/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 03/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole
 03/12/2010 House Second Reading Laid Over Daily
 03/15/2010 House Second Reading Passed with Amendments
 03/16/2010 House Third Reading Passed
 03/18/2010 Senate Considered House Amendments - Result was to Laid Over Daily
 03/18/2010 Senate Considered House Amendments - Result was to Concur - Repass

BILL SB10-025

Short Title: Extend Funding Water Efficiency Grants

Position: DNR Support

CWC Position: Support

Sponsors: WHITEHEAD / BAUMGARDNER

Previously reviewed as Interim Committee Bill B. Extends repeal date of water efficiency grant program from 2012 to 2020. Authorizes annual appropriations of \$550,000 and authorizes annual transfer of that amount from Tier 2 of the Severance Tax Trust Fund Operating Account to the grant program cash fund. This program funding has been under staff scrutiny during figure-setting for the 2010-11 budget cycle.

Status

01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources + Appropriations
 02/04/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Appropriations
 02/19/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
 02/23/2010 Senate Second Reading Laid Over Daily
 02/24/2010 Senate Second Reading Passed
 02/25/2010 Senate Third Reading Laid Over Daily
 02/26/2010 Senate Third Reading Passed
 03/02/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 03/17/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole
 03/22/2010 House Second Reading Laid Over Daily

03/23/2010 House Second Reading Passed
 03/25/2010 House Third Reading Passed

BILL SB10-027

Short Title: Fine Illegal Surface Water Diversions

Position:

CWC Position: Support

Sponsors: SANDOVAL / ROBERTS

Previously reviewed as draft. Imposes a fine of \$500 per day for the illegal diversion of surface water identical to the fine for illegal diversion of groundwater. Amended in committee consistent with Water Congress position clarifying that a fine for illegal diversion of surface water is triggered by a valid order of the State Engineer or a division engineer.

Status

01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources + Appropriations
 01/28/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Appropriations
 02/05/2010 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole
 02/09/2010 Senate Second Reading Laid Over Daily
 02/12/2010 Senate Second Reading Passed with Amendments
 02/15/2010 Senate Third Reading Passed
 02/17/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 03/10/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole
 03/10/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole
 03/15/2010 House Second Reading Laid Over Daily
 03/16/2010 House Second Reading Passed with Amendments
 03/17/2010 House Third Reading Passed
 03/18/2010 Senate Considered House Amendments - Result was to Concur - Repass
 04/07/2010 Signed by the President of the Senate
 04/08/2010 Signed by the President of the Senate
 04/08/2010 Signed by the Speaker of the House
 04/08/2010 Sent to the Governor
 04/14/2010 Governor Action – Signed

BILL SB10-052

Short Title: Alter Designated Groundwater Basin Area

Position:

CWC Position: Support

Sponsors: BROPHY / CURRY

Amends law to allow groundwater commission to exclude areas previously included within a designated basin only if the change doesn't exclude wells for which conditional or final permits have been issued. Bill passed Senate substantially as introduced.

Status

01/13/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 01/21/2010 Senate Committee on Agriculture and Natural Resources Refer Amended to Senate Committee of the Whole
 01/26/2010 Senate Second Reading Passed with Amendments
 01/28/2010 Senate Third Reading Passed
 02/01/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

03/03/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole
 03/08/2010 House Second Reading Laid Over Daily
 03/09/2010 House Second Reading Passed
 03/10/2010 House Third Reading Passed
 03/22/2010 Signed by the President of the Senate
 03/22/2010 Signed by the Speaker of the House
 03/22/2010 Sent to the Governor
 03/31/2010 Governor Action – Signed

BILL SB10-174

Short Title: Promote Geothermal Energy Development

Position:

CWC Position: Support

Sponsors: SCHWARTZ / MASSEY & ...

Section 5 of the bill defines "direct use" as the utilization of geothermal resources for commercial, residential, agricultural, public facilities, or other energy needs other than the commercial production of electricity. Sections 1 and 2 of the bill allow municipalities and counties to designate geothermal development as an activity of state interest under House Bill 74-1041, except for the direct use of such resources. Sections 3 and 4 allocate federal mineral lease revenues derived from geothermal resource development to the geothermal resource leasing fund and authorize the executive director of the department of local affairs to distribute the revenues:

- * To state agencies, school districts, and political subdivisions of the state affected by the development and production of geothermal resources primarily for use by such entities in planning for and providing facilities and services necessitated by such development and production; and
- * Secondly to such entities, in consultation with the governor's energy office, for the promotion of the development of geothermal energy resources. Section 6 specifies that the property right to the following types of geothermal resources are an incident of the ownership of the overlying surface:
 - * Nontributary groundwater; and
 - * Not nontributary groundwater. Section 7 adopts the reasonable accommodation doctrine regarding relations between surface owners and geothermal resource developers. Section 8 specifies that a permit from the state engineer is not required for the direct use of a horizontal, closed-loop geoexchange system that does not use a geothermal fluid, as established by the state engineer by rule. Section 9 specifies that "material injury" includes an alteration in the temperature of water only if the alteration adversely affects a valid, prior geothermal right. Sections 10 through 12 require geothermal energy facilities to be valued for the purpose of property taxation in the same manner in which wind or solar energy facilities are valued.

Status

02/26/2010 Introduced In Senate - Assigned to Local Government and Energy
 03/09/2010 Senate Committee on Local Government and Energy Refer Amended to Senate Committee of the Whole
 03/12/2010 Senate Second Reading Laid Over Daily
 03/16/2010 Senate Second Reading Passed with Amendments
 03/17/2010 Senate Third Reading Laid Over Daily
 03/18/2010 Senate Third Reading Passed with Amendments
 03/19/2010 Introduced In House - Assigned to Local Government
 04/06/2010 House Committee on Local Government Refer Unamended to House Committee of the Whole
 04/09/2010 House Second Reading Passed
 04/12/2010 House Third Reading Passed
 04/20/2010 Signed by the President of the Senate
 04/20/2010 Signed by the Speaker of the House

04/21/2010 Sent to the Governor
 04/30/2010 Governor Action - Signed

BILL SJR10-004

Short Title: Water Projects Eligibility Lists

Position:

CWC Position: Support

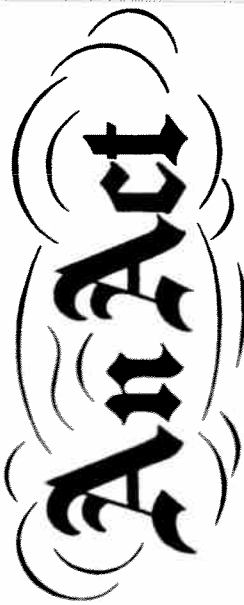
Sponsors: WHITEHEAD / FISCHER

This is the annual water project eligibility list. Amendment was offered and lost in opposition to application of Davis-Bacon prevailing wage requirements to water projects. Several committee members are still looking for ways to challenge the prevailing wage requirement, particularly its retroactive application.

Status

01/15/2010 Introduced In Senate - Assigned to Agriculture and Natural Resources
 01/28/2010 Senate Committee on Agriculture and Natural Resources Refer Unamended to Senate Committee of the Whole
 01/29/2010 Senate Third Reading Laid Over Daily
 02/03/2010 Senate Third Reading Passed
 02/04/2010 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources
 02/10/2010 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole
 02/16/2010 House Third Reading Laid Over Daily
 02/17/2010 House Third Reading Passed
 02/22/2010 House Third Reading Laid Over Daily
 02/26/2010 House Third Reading Passed
 03/02/2010 Signed by the President of the Senate
 03/03/2010 Signed by the Speaker of the House
 03/03/2010 Sent to the Governor
 03/15/2010 Governor Action - Signed

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 10-1051

BY REPRESENTATIVE(S) Pommer, Fischer, Frangas, Hullinghorst, Labuda, Looper, Pace;
also SENATOR(S) Whitehead, Carroll M., Foster, Tochtrop.

CONCERNING ADDITIONAL INFORMATION REGARDING COVERED ENTITIES' WATER EFFICIENCY PLANS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-60-126 (4) (a) (I) and (9) (a), Colorado Revised Statutes, are amended, and the said 37-60-126 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - repeal. (4) A plan developed by a covered entity pursuant to subsection (2) of this section shall, at a minimum, include a full evaluation of the following plan elements:

(a) The water-saving measures and programs to be used by the covered entity for water conservation. In developing these measures and programs, each covered entity shall, at a minimum, consider the following:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) Water-efficient fixtures and appliances, including toilets, urinals, CLOTHES WASHERS, showerheads, and ~~faucets~~ FAUCET AERATORS;

(4.5) (a) ON AN ANNUAL BASIS STARTING NO LATER THAN JUNE 30, 2014, COVERED ENTITIES SHALL REPORT WATER USE AND CONSERVATION DATA, TO BE USED FOR STATEWIDE WATER SUPPLY PLANNING, FOLLOWING BOARD GUIDELINES PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4.5), TO THE BOARD BY THE END OF THE SECOND QUARTER OF EACH YEAR FOR THE PREVIOUS CALENDAR YEAR.

(b) NO LATER THAN FEBRUARY 1, 2012, THE BOARD SHALL ADOPT GUIDELINES REGARDING THE REPORTING OF WATER USE AND CONSERVATION DATA BY COVERED ENTITIES, AND SHALL PROVIDE A REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE GUIDELINES. THESE GUIDELINES SHALL:

(I) BE ADOPTED PURSUANT TO THE BOARD'S PUBLIC PARTICIPATION PROCESS AND SHALL INCLUDE OUTREACH TO STAKEHOLDERS FROM WATER PROVIDERS WITH GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY, NONGOVERNMENTAL ORGANIZATIONS, AND WATER CONSERVATION PROFESSIONALS; AND

(II) INCLUDE CLEAR DESCRIPTIONS OF: CATEGORIES OF CUSTOMERS, USES, AND MEASUREMENTS; HOW GUIDELINES WILL BE IMPLEMENTED; AND HOW DATA WILL BE REPORTED TO THE BOARD.

(c) (I) NO LATER THAN FEBRUARY 1, 2019, THE BOARD SHALL REPORT TO THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND THE HOUSE OF REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE GUIDELINES AND DATA COLLECTED BY THE BOARD UNDER THE GUIDELINES.

(II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2020.

(9) (a) Neither the board nor the Colorado water resources and power development authority shall release grant or loan proceeds to a

PAGE 2-HOUSE BILL 10-1051

covered entity unless ~~sach~~ THE covered entity provides a copy of the water conservation plan adopted pursuant to this section, except that the board or the authority may release ~~sach~~ THE grant or loan proceeds NOTWITHSTANDING A COVERED ENTITY'S FAILURE TO COMPLY WITH THE REPORTING REQUIREMENTS OF SUBSECTION (4.5) OF THIS SECTION OR if the board or the authority, as applicable, determines that an unforeseen emergency exists in relation to the covered entity's loan application, in which case the board or the authority, as applicable, may impose a grant or loan surcharge upon the covered entity that may be rebated or reduced if the covered entity submits and adopts a plan in compliance with this section in a timely manner as determined by the board or the authority, as applicable.

SECTION 2. Applicability. This act shall apply to conduct occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shafter
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO 10-0278 01 Thomas Morris HOUSE BILL 10-1086

HOUSE SPONSORSHIP

Curry,

SENATE SPONSORSHIP

Hodge,

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A LIMITATION OF LANDOWNERS' LIABILITY, AND, IN
102 CONNECTION THEREWITH, LIMITING LANDOWNERS' LIABILITY
103 ARISING FROM FACILITIES RELATED TO WATER RIGHTS AND
104 FROM THE USE OF LAND FOR RECREATIONAL PURPOSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Under current law, a landowner can be held liable for injuries suffered by a trespassing minor if the land contains an attractive nuisance.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

Sections 1 and 4 of the bill specify that a facility constructed for the diversion, storage, conveyance, or use of water is not an attractive nuisance with regard to a landowner's liability to a trespasser. Sections 2 and 3 expand the definition of "recreational purpose" as to which a landowner's liability is limited under current law. Section 3 also specifies that a landowner is not liable for injuries to members of the public who use land for recreational purposes unless the landowner willfully or deliberately caused the injuries.

1 Be it enacted by the General Assembly of the State of Colorado:

2 SECTION 1. 13-21-115 (2), Colorado Revised Statutes, is
3 amended to read:

4 13-21-115. Actions against landowners. (2) EXCEPT AS
5 SPECIFIED IN ARTICLE 41 OF TITLE 33, C.R.S., in any civil action brought
6 against a landowner by a person who alleges injury occurring while on the
7 real property of another and by reason of the condition of such property,
8 or activities conducted or circumstances existing on such property, the
9 landowner shall be liable only as provided in subsection (3) of this
10 section. Sections 13-21-111, 13-21-111.5, and 13-21-111.7 shall apply
11 to an action to which this section applies. This subsection (2) shall not be
12 construed to abrogate the doctrine of attractive nuisance as applied to
13 persons under fourteen years of age; EXCEPT THAT, NOTWITHSTANDING
14 ANY OTHER PROVISION OF THIS SECTION, PROPERTY THAT WAS
15 CONSTRUCTED OR IS USED FOR OR IN CONNECTION WITH IRRIGATION
16 DITCHES, LATERALS, CHANNELS, CANALS, RESERVOIRS, DAMS, WEIRS,
17 FLUMES, HEADGATES, BRIDGES AND FOOTBRIDGES OVER OR ACROSS
18 WATER, OR ANY OTHER DEVICE, FACILITY, OR STRUCTURE CONSTRUCTED
19 FOR THE DIVERSION, STORAGE, CONVEYANCE, OR USE OF WATER SHALL
20 NOT BE HELD TO BE AN ATTRACTIVE NUISANCE. A person who is at least
21 fourteen years of age but is less than eighteen years of age shall be

presumed competent for purposes of the application of this section.

SECTION 2. 33-41-102 (5), Colorado Revised Statutes, is amended to read:

33-41-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Recreational purpose" includes, but is not limited to, any sports or other recreational activity of whatever nature undertaken by a person while using the land, including ponds, lakes, reservoirs, streams, paths, and trails appurtenant thereto, of another and includes, but is not limited to, any hobby, diversion, or other sports or other recreational activity such as: Hunting, fishing, camping, picnicking, hiking, horseback riding, snowshoeing, cross country skiing, bicycling, riding or driving motorized recreational vehicles, EXERCISING, RAFTING, BOATING, KAYAKING, CANOEING, swimming, tubing, diving, spelunking, sight-seeing, exploring, hang gliding, rock climbing, kite flying, roller skating, bird watching, gold panning, target shooting, ice skating, ice fishing, photography, NATURE STUDY, VIEWING OR VISITING HISTORICAL, ARCHAEOLOGICAL, SCENIC, OR SCIENTIFIC SITES, or engaging in any other form of sports or other recreational activity.

SECTION 3. 33-41-103 (1) and (2) (e) (III), Colorado Revised Statutes, are amended to read:

33-41-103. Limitation on landowner's liability. (1)(a) Subject to the provision of section 33-41-105, an owner of land who either directly or indirectly invites or permits, without charge, any person to use such property for recreational purposes does not thereby:

(b) (1) Extend any assurance that the premises are safe for any purpose;

(b) (II) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

(c) (III) Assume responsibility or incur liability for any injury to person or property or for the death of any person caused by an act or omission of such person.

(b) A LANDOWNER IS NOT LIABLE FOR INJURIES OR DAMAGES TO MEMBERS OF THE PUBLIC, REGARDLESS OF AGE AND WHETHER OR NOT THEY ARE INVITEES, LICENSEES, OR TRESPASSERS, WHO USED LAND FOR RECREATIONAL PURPOSES UNLESS THE LANDOWNER WILLFULLY OR DELIBERATELY CAUSED THE INJURIES OR DAMAGES.

(2) (e) For purposes of this subsection (2) only, unless the context otherwise requires:

(III) "Recreational purposes" includes, but is not limited to, any sports or other recreational activity of whatever nature undertaken by an invited guest while using the land, including ponds, lakes, reservoirs, streams, paths, and trails appurtenant to, of another and includes, but is not limited to, any hobby, diversion, or other sports or other recreational activity such as: Fishing, picnicking, hiking, horseback riding, snowshoeing, cross country skiing, bicycling, EXERCISING, ROCK CLIMBING, RAFTING, BOATING, KAYAKING, CANOEING, swimming, tubing, diving, sight-seeing, exploring, kite flying, bird watching, gold panning, ice skating, ice fishing, photography, NATURE STUDY, VIEWING OR VISITING HISTORICAL, ARCHAEOLOGICAL, SCENIC, OR SCIENTIFIC SITES, or engaging in any other form of sports or other recreational activity, as well as any activities related to such sports or recreational activities, and any activities directly or indirectly resulting from such sports or recreational activity.

1 **SECTION 4.** The introductory portion to 33-41-104 (1) and
 2 33-41-104 (1) (c), Colorado Revised Statutes, are amended to read:

3 **33-41-104. When liability is not limited.** (1) Nothing in this
 4 article limits in any way any liability ~~which~~ THAT would otherwise exist:

5 (c) For maintaining an attractive nuisance; except that ~~if~~ the
 6 FOLLOWING property used for ~~public~~ recreational purposes SHALL NOT
 7 CONSTITUTE AN ATTRACTIVE NUISANCE:

8 (I) PROPERTY THAT WAS USED FOR PUBLIC RECREATIONAL
 9 PURPOSES AND THAT contains mining operations that were abandoned or
 10 left in an inadequate reclamation status as provided in section 33-41-103
 11 (2) (c) (II); or AND

12 (II) PROPERTY THAT was constructed or is used for or in
 13 connection with IRRIGATION DITCHES, LATERALS, CHANNELS, CANALS,
 14 RESERVOIRS, DAMS, WEIRS, FLUMES, HEADGATES, BRIDGES AND
 15 FOOTBRIDGES OVER OR ACROSS WATER, OR ANY OTHER DEVICE, FACILITY,
 16 OR STRUCTURE CONSTRUCTED FOR the diversion, storage, conveyance, or
 17 use of water; ~~the property and the water or abandoned mining operations~~
 18 within such property shall not constitute an attractive nuisance;

19 **SECTION 5. Applicability.** This act shall apply to conduct
 20 occurring on or after the effective date of this act.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
 22 determines, and declares that this act is necessary for the immediate
 23 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO 10-0202.02 Thomas Morris

HOUSE BILL 10-1159

HOUSE SPONSORSHIP

Pace, Curry, Fischer, Hurlinghorst, King S., McFadyen, Scanlan, Vigil

SENATE SPONSORSHIP

Gibbs, Schwartz, White

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE WATER COURT'S AUTHORITY TO CONSIDER
102 CONDITIONS IN DECREES TO ADDRESS THE EFFECTS OF A WATER
103 EXPORT ACROSS WATER DIVISION BOUNDARIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill requires a water judge to consider, in decrees for water rights, leases of water for at least 10 years, or changes of use of water rights that divert at least 1000 acre-feet of consumptive use per year from one water division into another, terms and conditions to ensure that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

present and prospective beneficial uses of water within the water division from which water would be diverted are not impaired or increased in cost as a result of the transdivision diversion.

These requirements will be deemed to have been met if the applicant has reached a mitigation agreement with the water conservation district and conservancy districts from within whose boundaries the waters are proposed for diversion or within whose boundaries water would be purchased for exchange and the terms and conditions of the mitigation agreement are included in the decree. Districts that propose to enter into such a mitigation agreement are required to notify the public of, and hold a public meeting on, the proposed terms of the agreement.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-92-305, Colorado Revised Statutes, is amended

BY THE ADDITION OF A NEW SUBSECTION to read:

37-92-305. Standards with respect to rulings of the referee and decisions of the water judge. (18) (a) IN A PROCEEDING BEFORE A

WATER COURT FOR APPROVAL OF A WATER RIGHTS DECREE SPECIFIED IN

PARAGRAPH (c) OF THIS SUBSECTION (18) THAT ALLOWS THE DIVERSION

OF AT LEAST ONE THOUSAND ACRE-FEET OF CONSUMPTIVE USE ANNUALLY

FROM ONE WATER DIVISION TO ANOTHER, EITHER DIRECTLY OR BY

EXCHANGE, THE WATER JUDGE SHALL INCLUDE TERMS AND CONDITIONS IN

THE DECREE TO ENSURE THAT PRESENT AND PROSPECTIVE BENEFICIAL

USES OF WATER WITHIN THE WATER DIVISION FROM WHICH WATER WOULD

BE DIVERTED ARE NOT IMPAIRED OR INCREASED IN COST AS A RESULT OF

THE TRANSDIVISION DIVERSION.

(b) THIS SUBSECTION (18) IS SATISFIED IF:

(I) THE WATER RIGHTS APPLICANT DEMONSTRATES THAT IT HAS

ENTERED INTO A MITIGATION AGREEMENT WITH ALL WATER

CONSERVATION AND WATER CONSERVANCY DISTRICTS WITHIN WHOSE

BOUNDARIES THE PROPOSED POINT OF DIVERSION IS LOCATED OR WITHIN

1 WHOSE BOUNDARIES WATER WOULD BE PURCHASED FOR EXCHANGE, AND
 2 (II) THE PROVISIONS OF THE MITIGATION AGREEMENT ARE
 3 INCLUDED AS ENFORCEABLE TERMS AND CONDITIONS OF THE DECREE.
 4 (c) PRIOR TO FINALIZING A MITIGATION AGREEMENT PURSUANT TO
 5 PARAGRAPH (b) OF THIS SUBSECTION (18), A WATER CONSERVATION OR
 6 WATER CONSERVANCY DISTRICT THAT PROPOSES TO ENTER INTO SUCH AN
 7 AGREEMENT SHALL:
 8 (I) HOLD A PUBLIC MEETING AT WHICH IT AFFORDS INTERESTED
 9 PERSONS AN OPPORTUNITY TO SUBMIT DATA, TESTIMONY, VIEWS, AND
 10 ARGUMENTS REGARDING THE CONTENT OF THE MITIGATION AGREEMENT,
 11 (II) CONSIDER ALL SUBMISSIONS RECEIVED AT SUCH PUBLIC
 12 MEETING AS WELL AS ANY WRITTEN MATERIALS RECEIVED FROM
 13 INTERESTED PERSONS ON THE CONTENT OF THE MITIGATION AGREEMENT,
 14 AND
 15 (III) CONSIDER INCLUDING PROVISIONS IN THE MITIGATION
 16 AGREEMENT THAT ADDRESS THE ECONOMIC AND ECOLOGICAL
 17 CONSEQUENCES OF THE PROPOSED DIVERSION.
 18 (d) (I) AT LEAST FORTY-FIVE DAYS BEFORE THE PUBLIC MEETING
 19 REQUIRED BY PARAGRAPH (c) OF THIS SUBSECTION (18), THE WATER
 20 CONSERVANCY OR WATER CONSERVATION DISTRICT SHALL PROVIDE
 21 WRITTEN NOTICE OF THE PROPOSED AGREEMENT TO THE WATER COURT
 22 FOR THE DIVISION FROM WHICH WATER WOULD BE DIVERTED, THE DIVISION
 23 OF WATER RESOURCES, ALL PERSONS WHO HAVE REQUESTED NOTICE
 24 PURSUANT TO SECTION 37-92-308 (6), AND THE LOCAL BASIN ROUNDTABLE
 25 CREATED PURSUANT TO SECTION 37-75-104. THE WRITTEN NOTICE SHALL
 26 DESCRIBE THE PURPOSE OF THE PROPOSED AGREEMENT, THE SUBJECTS AND
 27 ISSUES INVOLVED, AND THE TIME AND PLACE OF THE PUBLIC MEETING.

1 (II) AS SOON AS PRACTICABLE AFTER RECEIPT OF SUCH NOTICE,
 2 THE DIVISION OF WATER RESOURCES SHALL PUBLISH THE NOTICE ON ITS
 3 WEB SITE AND THE CLERK OF THE WATER COURT SHALL PUBLISH THE
 4 NOTICE IN THE NEXT WATER COURT RESUME.
 5 (III) THE WATER CONSERVATION OR WATER CONSERVANCY
 6 DISTRICT SHALL MAKE A DRAFT OF THE PROPOSED MITIGATION
 7 AGREEMENT AVAILABLE TO ANY PARTY WHO REQUESTS IT AT LEAST TEN
 8 DAYS PRIOR TO THE PUBLIC MEETING.
 9 (c) THIS SUBSECTION (18) APPLIES TO APPLICATIONS FOR
 10 CONDITIONAL WATER RIGHTS, CONDITIONAL APPROPRIATIVE RIGHTS OF
 11 EXCHANGE, AND CHANGES OF WATER RIGHTS, EXCEPT THAT THIS
 12 SUBSECTION (18) DOES NOT APPLY TO APPLICATIONS FOR NONRENEWABLE
 13 CHANGES OF WATER RIGHTS OF LESS THAN TEN YEARS IN DURATION
 14 (f) NOTHING IN THIS SUBSECTION (18) ABROGATES, IMPAIRS, OR
 15 PREEMPTS ANY STATE OR LOCAL LAND USE OR ENVIRONMENTAL
 16 AUTHORITY.
 17 **SECTION 2. Act subject to petition - effective date -**
 18 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
 19 following the expiration of the ninety-day period after final adjournment
 20 of the general assembly (August 11, 2010, if adjournment sine die is on
 21 May 12, 2010); except that, if a referendum petition is filed pursuant to
 22 section 1 (3) of article V of the state constitution against this act or an
 23 item, section, or part of this act within such period, then the act, item,
 24 section, or part shall not take effect unless approved by the people at the
 25 general election to be held in November 2010 and shall take effect on the
 26 date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to applications for water right decrees filed on or after the applicable effective date of this act.

HB10-1159

5

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED
*This Version Includes All Amendments
Adopted in the Second House*
HOUSE BILL 10-1188
LLS NO 10-0100.03 Thomas Morris

HOUSE SPONSORSHIP

Curry, Fischer, Labuda, Massey, Scanlan

SENATE SPONSORSHIP

Hodge, Gibbs, Heath, Tochtrop

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 CONCERNING CLARIFICATION OF THE SCOPE OF THE EXISTING RIGHT
102 OF NAVIGATION OF GUIDES EMPLOYED BY RIVER OUTFITTERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Current law is unclear regarding the scope of the existing right of navigation. **Section 1** of the bill recognizes that the state's adoption of the common law of England established the right of navigation. **Section 2:**

- Clarifies that a guide employed by a licensed river outfitter and the guide's passengers may float on waterways that

Shading denotes HOUSE amendments. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

have historically been used for commercial float trips without committing civil or criminal trespass if they gain access to the waterway from public land or from private land with consent and make only incidental contact with the beds and banks of the waterway while floating and portaging.

- Limits a landowner's liability to such persons to damages willfully or deliberately caused by the landowner unless the person is an invitee or licensee of the landowner;
- Specifies that such a person who damages private property is liable for the damage; and
- Specifies that nothing in the law regulating river outfitters affects water rights.

Section 3 makes a conforming and clarifying amendment to the criminal trespass statute.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 32 of title 33, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

33-32-106.5. Boating through private property - study -

repeal. (1) **Legislative declaration.** THE GENERAL ASSEMBLY

DECLARES THAT THERE IS A NEED TO STUDY AND POTENTIALLY CLARIFY

THE EXISTING LAW CONCERNING CIVIL AND CRIMINAL TRESPASS BY

BOATERS ON THE RIVERS AND STREAMS FLOWING THROUGH PRIVATE

PROPERTY IN COLORADO.

(2) **Study.** THE GENERAL ASSEMBLY HEREBY REFERS THIS MATTER

TO THE COLORADO WATER CONGRESS TO STUDY THE LEGAL, ECONOMIC,

ENVIRONMENTAL, AND LAW ENFORCEMENT ISSUES RELATED TO BOATING

THROUGH PRIVATE PROPERTY. THE PARTICIPANTS IN AND PROCEDURE FOR

THE STUDY SHALL BE DETERMINED BY THE BOARD OF DIRECTORS OF THE

COLORADO WATER CONGRESS.

(3) **Funding.** THE STUDY SHALL BE FUNDED SOLELY BY PRIVATE

GRANTS AND DONATIONS.

1 (4) Report. The Colorado Water Congress shall complete
2 its study by October 31, 2010, and shall submit a report, which
3 may include recommended legislative changes, to the general
4 assembly no later than November 30, 2010.

5 (5) This section is repealed, effective July 1, 2011.

6 SECTION 2. Safety clause. The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 10-1204

BY REPRESENTATIVE(S) Soper, Apuan, Casso, Fischer, Frangas, Labuda, Liston, McFadyen, Merrifield, Middleton, Primavera, Todd, Tyler, Vigil;
also SENATOR(S) Tochtrop, Romer.

CONCERNING THE INCLUSION OF CONSERVATION STANDARDS IN THE PLUMBING CODE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-58-102 (4), Colorado Revised Statutes, is amended, and the said 12-58-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-58-102. Definitions. As used in this article, unless the context otherwise requires:

(4) "Colorado plumbing code" means a code established by the board that consists of standards for plumbing installation, plumbing materials, CONSERVATION, medical gas, sanitary drainage systems, and solar plumbing that could directly affect the potable water supply.

(4.5) (a) "CONSERVATION" MEANS EFFICIENCY MEASURES THAT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

MEET NATIONAL GUIDELINES AND STANDARDS AND ARE TESTED AND APPROVED BY A NATIONALLY RECOGNIZED TESTING LABORATORY, INCLUDING:

- (I) WATER-EFFICIENT DEVICES AND FIXTURES; AND
- (II) THE USE OF LOCALLY PRODUCED MATERIALS, WHEN PRACTICABLE, TO REDUCE TRANSPORTATION IMPACTS.
- (b) WHEN CONSERVATION CONFLICTS WITH SAFETY, THE BOARD SHALL GIVE PRIMARY CONSIDERATION TO SAFETY.
- (c) NOTHING IN THIS SUBSECTION (4.5) AFFECTS THE BOARD'S AUTHORITY TO ESTABLISH THE COLORADO PLUMBING CODE AS SPECIFIED IN SECTION 12-58-104.5.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to a rule modifying the Colorado plumbing code that occurs pursuant to the regular schedule of the

PAGE 2-HOUSE BILL 10-1204

examining board of plumbers that is promulgated on or after the applicable effective date of this act.

<u>Terrance D. Carroll</u> SPEAKER OF THE HOUSE OF REPRESENTATIVES	<u>Brandon C. Shaffer</u> PRESIDENT OF THE SENATE
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<u>Marilyn Eddins</u> CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	<u>Karen Goldman</u> SECRETARY OF THE SENATE
---	--

APPROVED _____

Bill Ritter, Jr
GOVERNOR OF THE STATE OF COLORADO

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED
This Version Includes All Amendments Adopted
on Second Reading in the Second House

LLS NO. 10-0903.01 Kate Meyer HOUSE BILL 10-1250

HOUSE SPONSORSHIP

Fischer, Curry, Apuan, Baumgardner, Hullinghorst, Kefalas, Looper, Roberts, Ryden,
Scamlin, Solano, Sonnenberg, Tyler, Vigil

SENATE SPONSORSHIP

Hodge, Gibbs, Kester, Schwartz, White, Whitehead

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture and Natural Resources
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE FUNDING OF COLORADO WATER CONSERVATION
102 BOARD PROJECTS, AND MAKING APPROPRIATIONS IN
103 CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does
not reflect any amendments that may be subsequently adopted. If this bill
passes third reading in the house of introduction, a bill summary that
applies to the reengrossed version of this bill will be available at
<http://www.leg.state.co.us/bills/summaries>.)

The bill appropriates the following amounts from the Colorado
water conservation board construction fund for the following projects:

- 1 \$250,000 for continuation of satellite monitoring system
maintenance;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! \$50,000 for instream flow engineering and technical
support services;
- ! \$175,000 for continuation of the weather modification
program;
- ! \$500,000 for continuation of the Colorado floodplain map
modernization program;
- ! \$250,000 for continuation of the watershed restoration
program; and
- ! Up to \$300,000 to restore the unencumbered balance in the
flood response fund to \$300,000.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Continuation of the satellite monitoring system

maintenance - appropriation. (1) In addition to any other
appropriation, there is hereby appropriated, out of any moneys in the
Colorado water conservation board construction fund not otherwise
appropriated, to the department of natural resources, for allocation to the
division of water resources, for the fiscal year beginning July 1, 2010, the
sum of two hundred fifty thousand dollars (\$250,000), or so much thereof
as may be necessary, for renovation of existing gauging stations,
replacement of outdated collection platforms, and upgrading of
transmission components of the satellite monitoring system established
and operated pursuant to section 37-80-102 (10), Colorado Revised
Statutes, stream gauge flood hardening projects, and data collection
efforts related to flood forecasting and warning.

(2) The moneys appropriated in subsection (1) of this section shall
remain available for the designated purposes until they are fully
expended.

SECTION 2. Instream flow engineering and technical support

services - appropriation. (1) In addition to any other appropriation,
there is hereby appropriated, out of any moneys in the Colorado water

SENATE
3rd Reading Unamended
March 7, 2010

HOUSE
3rd Reading Unamended
March 15, 2010

HOUSE
2nd Reading Unamended
March 12, 2010

1 conservation board construction fund not otherwise appropriated, to the
 2 department of natural resources, for allocation to the Colorado water
 3 conservation board, for the fiscal year beginning July 1, 2010, the sum of
 4 fifty thousand dollars (\$50,000), or so much thereof as may be necessary,
 5 for engineering and technical support services related to the board's
 6 instream flow and natural lake level program.

7 (2) The moneys appropriated in subsection (1) of this section shall
 8 remain available for the designated purposes until they are fully
 9 expended.

10 **SECTION 3. Continuation of the weather modification**

11 **program - appropriation.** (1) In addition to any other appropriation,
 12 there is hereby appropriated, out of any moneys in the Colorado water
 13 conservation board construction fund not otherwise appropriated, to the
 14 department of natural resources, for allocation to the Colorado water
 15 conservation board, for the fiscal year beginning July 1, 2010, the sum of
 16 one hundred seventy-five thousand dollars (\$175,000), or so much thereof
 17 as may be necessary, for the board to continue to assist water
 18 conservation districts, water conservancy districts, and other water
 19 providers with the development of cloud seeding programs that provide
 20 benefits to recreation, streams, and reservoirs through snowpack
 21 enhancement.

22 (2) The moneys appropriated in subsection (1) of this section shall
 23 remain available for the designated purposes until they are fully
 24 expended.

25 **SECTION 4. Continuation of the Colorado floodplain map**
 26 **modernization program - appropriation.** (1) In addition to any other
 27 appropriation, there is hereby appropriated, out of any moneys in the

1 Colorado water conservation board construction fund not otherwise
 2 appropriated, to the department of natural resources, for allocation to the
 3 Colorado water conservation board, for the fiscal year beginning July 1,
 4 2010, the sum of five hundred thousand dollars (\$500,000), or so much
 5 thereof as may be necessary, to restore the unencumbered balance in the
 6 previously appropriated map modernization account of the board to five
 7 hundred thousand dollars (\$500,000), for the board to continue to assist
 8 with the preparation of revised and improved floodplain studies and maps
 9 for communities throughout Colorado and participate in federally
 10 sponsored floodplain map modernization activities

11 (2) The moneys appropriated in subsection (1) of this section shall
 12 remain available for the designated purposes until the project is
 13 completed.

14 **SECTION 5. Continuation of the watershed restoration**

15 **program - appropriation.** (1) In addition to any other appropriation,
 16 there is hereby appropriated, out of any moneys in the Colorado water
 17 conservation board construction fund not otherwise appropriated, to the
 18 department of natural resources, for allocation to the Colorado water
 19 conservation board, for the fiscal year beginning July 1, 2010, the sum of
 20 two hundred fifty thousand dollars (\$250,000), or so much thereof as may
 21 be necessary, for the board to continue to provide planning and
 22 engineering studies, including implementation measures, to address
 23 technical needs for watershed restoration and flood mitigation projects
 24 throughout the state.

25 (2) The moneys appropriated in subsection (1) of this section shall
 26 remain available for the designated purposes until they are fully
 27 expended.

SECTION 6. Restoration of flood response fund balance. The state treasurer shall transfer a total of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, from the unreserved cash in the Colorado water conservation board construction fund to the flood response fund created in section 37-60-123.2, Colorado Revised Statutes, in order to restore the unencumbered balance in the flood response fund to three hundred thousand dollars (\$300,000).

SECTION 7. 39-29-109 (2)(a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (VI) (A) NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (a) TO THE CONTRARY, THE STATE TREASURER SHALL TRANSFER TO THE COLORADO WATER CONSERVATION BOARD CONSTRUCTION FUND, FOR USE BY THE COLORADO WATER CONSERVATION BOARD, ALSO REFERRED TO IN THIS SUBPARAGRAPH (VI) AS THE "BOARD", THIRTY-SIX MILLION DOLLARS FOR THE PURCHASE OF ALL OR A PORTION OF COLORADO'S ALLOTMENT OF ANIMAS-LA PLATA PROJECT WATER. THE STATE TREASURER SHALL MAKE THE TRANSFER

MANDATED BY THIS SUB-PARAGRAPH (A) IN THREE CONSECUTIVE ANNUAL INSTALLMENTS OF TWELVE MILLION DOLLARS ON JUNE 30 OF EACH YEAR, COMMENCING JUNE 30, 2011.

(B) NOTWITHSTANDING ANY OTHER LAW, INCLUDING SECTION 24-30-1303, C.R.S., ONCE SUFFICIENT FUNDS HAVE BEEN APPROPRIATED TO THE BOARD FOR SUCH PURPOSES, THE DEPARTMENT OF NATURAL RESOURCES, ACTING THROUGH THE BOARD, IS AUTHORIZED TO ENTER INTO A CONTRACT OR OTHER AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION TO ACQUIRE ALL OR A PORTION OF COLORADO'S ALLOCATION OF WATER IN THE ANIMAS-LA PLATA PROJECT. THE AUTHORITY TO ACQUIRE SUCH WATER INCLUDES THE ABILITY TO CONTRACT WITH AND ALLOCATE WATER TO LOCAL ENTITIES AND WATER PROVIDERS; TO RECEIVE AND EXPEND MONEYS FROM ENTITIES IN REPAYMENT; TO UNDERTAKE OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS; TO PAY THE COSTS OF STORAGE OR OTHER NECESSARY EXPENSES; AND TO OTHERWISE IMPLEMENT THE PURPOSES OF THIS SUB-PARAGRAPH (B) AND UTILIZE THE WATER ACQUIRED. THE BOARD IS ALSO AUTHORIZED TO UNDERTAKE SUCH ACTION AS IS NECESSARY TO LEASE, SUBLEASE, EXCHANGE, SELL, ASSIGN, OR OTHERWISE EFFECTUATE THE USE OF PROJECT WATER ACQUIRED UNDER THIS SUBPARAGRAPH (VI). IN THE EVENT OF A CONFLICT BETWEEN THE APPLICATION OF STATE OR FEDERAL LAW OR RULES, INCLUDING CHAPTER 3 OF THE STATE FISCAL RULES IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (VI), FEDERAL LAWS AND RULES SHALL APPLY.

(C) EXCEPT AS PROVIDED IN SUB-PARAGRAPH (D) OF THIS SUBPARAGRAPH (VI), THE MONEYS TRANSFERRED TO THE BOARD PURSUANT TO SUB-PARAGRAPH (A) OF THIS SUBPARAGRAPH (VI)

1 SHALL REMAIN AVAILABLE TO THE BOARD UNTIL EXPENDED.

2 (D) IF, ON JUNE 30, 2015, ANY MONEYS APPROPRIATED UNDER
 3 SUB-PARAGRAPH (A) OF THIS SUBPARAGRAPH (VI) HAVE NOT BEEN
 4 FULLY EXPENDED, THE UNEXPENDED MONEYS ARE DEAUTHORIZED AND
 5 SHALL REVERT TO THE PERPETUAL BASE ACCOUNT.

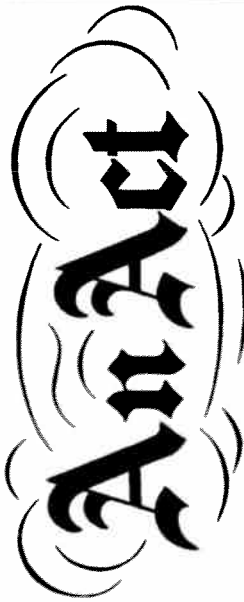
6 (E) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
 7 2015.

8 **SECTION 8. Purchase of Colorado's allotment of Animas-La**
 9 **Plata project water - appropriation.** (1) In addition to any other
 10 appropriation, there is hereby appropriated, out of any moneys in the
 11 Colorado water conservation board construction fund not otherwise
 12 appropriated, to the department of natural resources, for allocation to the
 13 Colorado water conservation board, for the fiscal year beginning July 1,
 14 2010, the sum of twelve million dollars (\$12,000,000), or so much thereof
 15 as may be necessary, for the purchase of all or a portion of Colorado's
 16 allotment of Animas-La Plata project water pursuant to section 39-29-109
 17 (2)(a)(VI)(B), Colorado Revised Statutes.

18 (2) The moneys appropriated in subsection (1) of this section shall
 19 remain available for the designated purposes until they are fully
 20 expended, or until June 30, 2015, whichever occurs first.

21 **SECTION 9. Safety clause.** The general assembly hereby finds,
 22 determines, and declares that this act is necessary for the immediate
 23 preservation of the public peace, health, and safety.

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 10-1327

BY REPRESENTATIVE(S) Pommer, Ferrandino, Lambert;
also SENATOR(S) White, Keller, Tapia.

CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH
TRANSFERS OF CERTAIN MONEYS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 23-19-9-102 (2) (b), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23-19-9-102. Higher education federal mineral lease revenues fund - higher education maintenance and reserve fund - creation - sources of revenues - use. (2) (b) (IV) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (IV), THE STATE TREASURER SHALL DEDUCT TWO MILLION THREE HUNDRED THOUSAND DOLLARS FROM THE HIGHER EDUCATION MAINTENANCE AND RESERVE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 2. 24-30-1115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-30-1115. Motor fleet management fund - creation. (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (4), THE STATE TREASURER SHALL DEDUCT THREE HUNDRED NINETY-SEVEN THOUSAND ONE HUNDRED FORTY-THREE DOLLARS FROM THE MOTOR FLEET MANAGEMENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 3. 24-32-114, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-114. Cleanup of illegally disposed of waste tires - waste tire cleanup fund - legislative declaration - repeal. (1.7) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.7), THE STATE TREASURER SHALL DEDUCT ONE MILLION NINE HUNDRED THOUSAND DOLLARS FROM THE WASTE TIRE CLEANUP FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 4. 24-37.5-506, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-37.5-506. Public safety communications trust fund - creation. (3.5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (3.5), THE STATE TREASURER SHALL DEDUCT TWO HUNDRED THIRTY THOUSAND FIVE HUNDRED TWENTY DOLLARS FROM THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 5. 24-75-302, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-75-302. Capital construction fund - capital assessment fees - calculation. (11) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (11), THE STATE TREASURER SHALL DEDUCT THREE HUNDRED THIRTY-FIVE THOUSAND DOLLARS FROM THE EMERGENCY CONTROLLED MAINTENANCE ACCOUNT IN THE CAPITAL CONSTRUCTION FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 6. 25-17-202.5, Colorado Revised Statutes, is amended
PAGE 2-HOUSE BILL 10-1327

BY THE ADDITION OF A NEW SUBSECTION to read:

25-17-202.5. Processors and end users of waste tires cash fund created - repeal. (1.5) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (1.5), THE STATE TREASURER SHALL DEDUCT FIVE HUNDRED THOUSAND DOLLARS FROM THE PROCESSORS AND END USERS OF WASTE TIRES CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 7. 34-63-102 (5.3) (a) (1) (A), Colorado Revised Statutes, is amended, and the said 34-63-102 (5.3) (a) (1) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

34-63-102. Creation of mineral leasing fund - distribution - advisory committee - definitions. (5.3) (a) Bonus payments credited to the mineral leasing fund created in subparagraph (1) of paragraph (a) of subsection (1) of this section shall be distributed on a quarterly basis for each quarter commencing on July 1, October 1, January 1, or April 1 of any state fiscal year as follows:

(1) (A) Fifty percent of the bonus payments shall be transferred to the local government permanent fund, which is hereby created in the state treasury. Interest and income derived from the deposit and investment of moneys in the local government permanent fund shall be credited to the permanent fund and shall not be transferred to the general fund or any other fund at the end of any fiscal year. Except as otherwise provided in ~~sub-subparagraphs (B) and (C)~~ SUB-SUBPARAGRAPHS (B), (C), AND (D) of this subparagraph (1), moneys in the permanent fund shall not be expended for any purpose. The state treasurer may invest moneys in the local government permanent fund in any investment in which the board of trustees of the public employees' retirement association may invest the funds of the association pursuant to section 24-51-206, C.R.S.

(D) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (5.3) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUB-SUBPARAGRAPH (D), THE STATE TREASURER SHALL DEDUCT FOURTEEN MILLION THREE HUNDRED FIVE THOUSAND SIX HUNDRED NINETY-SEVEN DOLLARS FROM THE LOCAL GOVERNMENT PERMANENT FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

PAGE 3-HOUSE BILL 10-1327

SECTION 8. 39-29-109 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys - repeal. (2) (a) **The perpetual base account.** (VI) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (1) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (VI), THE STATE TREASURER SHALL DEDUCT TWO MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 9. 39-29-109.3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (6), THE STATE TREASURER SHALL DEDUCT ELEVEN MILLION DOLLARS FROM THE OPERATIONAL ACCOUNT AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 10. 39-29-110, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-29-110. Local government severance tax fund - creation - administration - definitions. (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON THE EFFECTIVE DATE OF THIS SUBSECTION (6), THE STATE TREASURER SHALL DEDUCT FIFTY MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND SEVEN HUNDRED NINETY-SIX DOLLARS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 11. 43-4-402, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

43-4-402. Source of revenues - allocation of moneys. (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ON JUNE 30, 2010, THE STATE TREASURER SHALL TRANSFER THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

SECTION 12. Safety clause. The general assembly hereby finds,

PAGE 4-HOUSE BILL 10-1327

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

<u>Terrance D. Carroll</u> SPEAKER OF THE HOUSE OF REPRESENTATIVES	<u>Brandon C. Shaffer</u> PRESIDENT OF THE SENATE
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<u>Marilyn Eddins</u> CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	<u>Karen Goldman</u> SECRETARY OF THE SENATE
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APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

LLS NO 10-0929.01 Thomas Morris
HOUSE SPONSORSHIP
*This Version Includes All Amendments
Adopted in the Second House*
HOUSE BILL 10-1358

Fischer, Apuan, Court, Frangas, Gagliardi, Hurlinghorst, Kagan, Kefalas, Kerr A., Labuda,
Levy, Merrifield, Middleton, Pace, Peniston, Primavera, Ryden, Solano, Todd, Tyler, Vigil,
Weissmann

SENATE SPONSORSHIP
Johnston, Bacon, Hodge, Steadman, Tapia, Williams

showerheads;
If dishwashers or clothes washers are financed, installed, or
sold as upgrades through the home builder, the model
selected must be qualified pursuant to the federal
environmental protection agency's energy star program at
the time of offering;
If front yard landscaping is financed, installed, or sold as
upgrades through the home builder and will be maintained
by the home owner, either average water use of the
landscape must be no more than 10 gallons per square foot
per year or turf grass shall not exceed 40% of the
landscaped area; and
Installation of a pressure-reducing valve that limits static
service pressure in the residence to a maximum of 60
pounds per square inch.

Be it enacted by the General Assembly of the State of Colorado:
SECTION 1. Article 35.7 of title 38, Colorado Revised Statutes,
is amended BY THE ADDITION OF A NEW SECTION to read:
38-35.7-107. Water-smart homes option. (1) (a) EVERY
PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE FOR
WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE
OPPORTUNITY TO SELECT ONE OR MORE OF THE FOLLOWING WATER-SMART
HOME OPTIONS FOR THE RESIDENCE:
(I) INSTALLATION OF WATER-EFFICIENT TOILETS, LAVATORY
FAUCETS, AND SHOWERHEADS THAT MEET OR EXCEED THE FOLLOWING
WATER-EFFICIENT STANDARDS: TOILETS SHALL USE NO MORE THAN ONE
AND TWENTY-EIGHT ONE-HUNDREDTHS OF A GALLON PER FLUSH,
LAVATORY FAUCETS NO MORE THAN ONE AND ONE-HALF GALLONS PER
MINUTE, AND SHOWERHEADS NO MORE THAN TWO GALLONS PER MINUTE;
(II) IF DISHWASHERS OR CLOTHES WASHERS ARE FINANCED,
INSTALLED, OR SOLD AS UPGRADES THROUGH THE HOME BUILDER, THE
BUILDER SHALL OFFER A MODEL THAT IS QUALIFIED PURSUANT TO THE

SENATE 3rd Reading Unanimous May 7, 2010	SENATE Amended 2nd Reading May 6, 2010	HOUSE 3rd Reading Unanimous April 13, 2010	HOUSE Amended 2nd Reading April 12, 2010
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A BILL FOR AN ACT
CONCERNING A REQUIREMENT FOR NEW HOME BUILDERS TO OFFER
HOME BUYERS WATER EFFICIENCY OPTIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill requires every person that builds a new single-family detached residence for which a buyer is under contract to offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

- Installation of water-efficient toilets, lavatory faucets, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S ENERGY STAR PROGRAM AT THE TIME OF OFFERING. CLOTHES WASHERS SHALL HAVE A WATER FACTOR OF LESS THAN OR EQUAL TO SIX GALLONS OF WATER PER CYCLE PER CUBIC FOOT OF CAPACITY.

(III) If LANDSCAPING IS FINANCED, INSTALLED, OR SOLD AS UPGRADES THROUGH THE HOME BUILDER AND WILL BE MAINTAINED BY THE HOME OWNER, THE HOME BUILDER SHALL OFFER A LANDSCAPE DESIGN THAT FOLLOWS THE LANDSCAPE PRACTICES SPECIFIED IN THIS SUBPARAGRAPH (III) TO ENSURE BOTH THE PROFESSIONAL DESIGN AND INSTALLATION OF SUCH LANDSCAPING AND THAT WATER CONSERVATION WILL BE ACCOMPLISHED. THESE BEST MANAGEMENT PRACTICES ARE CONTAINED IN THE DOCUMENT TITLED: "GREEN INDUSTRY BEST MANAGEMENT PRACTICES (BMP) FOR THE CONSERVATION AND PROTECTION OF WATER RESOURCES IN COLORADO, 3RD EDITION", AND APPENDIX, RELEASED IN MAY 2008, OR THIS DOCUMENT'S SUCCESSORS DUE TO FUTURE INCLUSION OF IMPROVED LANDSCAPING PRACTICES, WATER CONSERVATION ADVANCEMENTS, AND NEW IRRIGATION TECHNOLOGY. THE BEST MANAGEMENT PRACTICES SPECIFIED IN THIS SUBPARAGRAPH (III), THROUGH UTILIZATION OF THE PROPER LANDSCAPE DESIGN, INSTALLATION, AND IRRIGATION TECHNOLOGY, ACCOMPLISH SUBSTANTIAL WATER SAVINGS COMPARED TO LANDSCAPE DESIGNS, INSTALLATION, AND IRRIGATION SYSTEM UTILIZATION WHERE THESE PRACTICES ARE NOT ADHERED TO. THE FOLLOWING BEST MANAGEMENT PRACTICES AND WATER BUDGET CALCULATOR FORM THE BASIS FOR THE DESIGN AND INSTALLATION FOR THE FRONT YARD LANDSCAPING OPTION IF SELECTED BY THE HOMEOWNER AS AN UPGRADE:

(A) XERISCAPE: TO INCLUDE THE SEVEN PRINCIPLES OF XERISCAPE

THAT PROVIDE A COMPREHENSIVE APPROACH FOR CONSERVING WATER;
(B) WATER BUDGETING: TO INCLUDE EITHER A WATER ALLOTMENT BY THE WATER UTILITY FOR THE PROPERTY, IF OFFERED BY THE WATER UTILITY, OR A LANDSCAPE WATER BUDGET BASED ON PLANT WATER REQUIREMENTS;

(C) LANDSCAPE DESIGN: TO INCLUDE A PLAN AND DESIGN FOR THE LANDSCAPE TO COMPREHENSIVELY CONSERVE WATER AND PROTECT WATER QUALITY;

(D) LANDSCAPE INSTALLATION AND EROSION CONTROL: TO MINIMIZE SOIL EROSION AND EMPLOY PROPER SOIL CARE AND PLANTING TECHNIQUES DURING CONSTRUCTION;

(E) SOIL AMENDMENT AND GROUND PREPARATION: TO INCLUDE AN EVALUATION OF THE SOIL AND IMPROVE, IF NECESSARY, TO ADDRESS WATER RETENTION, PERMEABILITY, WATER INFILTRATION, AERATION, AND STRUCTURE;

(F) TREE PLACEMENT AND TREE PLANTING: TO INCLUDE PROPER SOIL AND SPACE FOR ROOT GROWTH AND TO INCLUDE PROPER PLANTING OF TREES, SHRUBS, AND OTHER WOODY PLANTS TO PROMOTE LONG-TERM HEALTH OF THESE PLANTS;

(G) IRRIGATION DESIGN AND INSTALLATION: TO INCLUDE DESIGN OF THE IRRIGATION SYSTEM FOR THE EFFICIENT AND UNIFORM DISTRIBUTION OF WATER TO PLANT MATERIAL AND THE DEVELOPMENT OF AN IRRIGATION SCHEDULE;

(H) IRRIGATION TECHNOLOGY AND SCHEDULING: TO INCLUDE WATER CONSERVING DEVICES THAT STOP WATER APPLICATION DURING RAIN, HIGH WIND, AND OTHER WEATHER EVENTS AND INCORPORATE EVAPOTRANSPIRATION CONDITIONS; IRRIGATION SCHEDULING SHOULD

1 ADDRESS FREQUENCY AND DURATION OF WATER APPLICATION IN THE
 2 MOST EFFICIENT MANNER; AND
 3 (f) MULCHING: TO INCLUDE THE USE OF ORGANIC MULCHES TO
 4 REDUCE WATER LOSS THROUGH EVAPORATION, REDUCE SOIL LOSS, AND
 5 SUPPRESS WEEDS.
 6 (iv) INSTALLATION OF A PRESSURE-REDUCING VALVE THAT LIMITS
 7 STATIC SERVICE PRESSURE IN THE RESIDENCE TO A MAXIMUM OF SIXTY
 8 POUNDS PER SQUARE INCH. PIPING FOR HOME FIRE SPRINKLER SYSTEMS
 9 SHALL COMPLY WITH STATE AND LOCAL CODES AND REGULATIONS BUT
 10 ARE OTHERWISE EXCLUDED FROM THIS SUBPARAGRAPH (IV).
 11 (b) THE OFFER REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION
 12 (1) SHALL BE MADE IN ACCORDANCE WITH THE BUILDER'S CONSTRUCTION
 13 SCHEDULE FOR THE RESIDENCE. IN THE CASE OF PREFABRICATED OR
 14 MANUFACTURED HOMES, "CONSTRUCTION SCHEDULE" INCLUDES THE
 15 SCHEDULE FOR COMPLETION OF PREFABRICATED WALLS OR OTHER
 16 SUBASSEMBLIES.
 17 (2) NOTHING IN THIS SECTION PRECLUDES A PERSON THAT BUILDS
 18 A NEW SINGLE-FAMILY DETACHED RESIDENCE FROM:
 19 (a) SUBJECTING WATER-EFFICIENT FIXTURE AND APPLIANCE
 20 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,
 21 INCLUDING CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR
 22 UPGRADES, DEADLINES, AND CONSTRUCTION TIMELINES;
 23 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
 24 INSTALLATION OF THE SELECTED OPTIONS; OR
 25 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
 26 CONTRACT THAT WATER-EFFICIENT FIXTURES AND APPLIANCES ARE BASED
 27 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION, SUCH

1 UPGRADES MAY NOT SUPPORT ALL WATER-EFFICIENT FIXTURES OR
 2 APPLIANCES INSTALLED AT A FUTURE DATE, AND THE PERSON THAT BUILDS
 3 A NEW SINGLE-FAMILY DETACHED RESIDENCE IS NOT LIABLE FOR ANY
 4 ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO THE
 5 RESIDENCE THAT MAY BE NECESSARY TO ACCOMMODATE
 6 WATER-EFFICIENT FIXTURES OR APPLIANCES INSTALLED AT A FUTURE
 7 DATE.
 8
 9 (3) THIS SECTION DOES NOT APPLY TO UNOCCUPIED HOMES
 10 SERVING AS SALES INVENTORY OR MODEL HOMES.
 11
 12 (4) THE UPGRADES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
 13 (1) OF THIS SECTION SHALL NOT CONTRAVENE STATE OR LOCAL CODES,
 14 COVENANTS, AND REQUIREMENTS. ALL HOMES, LANDSCAPES, AND
 15 IRRIGATION SYSTEMS SHALL MEET ALL APPLICABLE NATIONAL, STATE, AND
 16 LOCAL REGULATIONS.

16 **SECTION 2. Act subject to petition - specified effective date**
 17 **- applicability.** (1) This act shall take effect January 1, 2011, except
 18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
 19 of the state constitution against this act or an item, section, or part of this
 20 act within the ninety-day period after final adjournment of the general
 21 assembly, then the act, item, section, or part shall not take effect unless
 22 approved by the people at the general election to be held in November
 23 2010 and shall take effect on January 1, 2011, or on the date of the
 24 official declaration of the vote thereon by the governor, whichever is
 25 later.

26 (2) The provisions of this act shall apply to contracts for new

- 1 single-family detached residences occurring on or after the applicable
- 2 effective date of this act.

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

LLS NO 10-0934.01 Sharon Eubanks
HOUSE BILL 10-1388
HOUSE SPONSORSHIP
Ferrandino, Pommer, Lambert
Tapia, Keller, White

REREVISED
*This Version Includes All Amendments
Adopted in the Second House*

HOUSE SPONSORSHIP

SENATE SPONSORSHIP

Tapia, Keller, White

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE AUGMENTATION OF THE GENERAL FUND THROUGH
102 TRANSFERS OF CERTAIN MONEYS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Budget Package Bill. For the purpose of augmenting the amount of revenues in the state general fund for the 2010-11 state fiscal year, on June 30, 2011, the state treasurer is required to transfer specified amounts of moneys to the general fund from the following funds:

- ! The medical marijuana program cash fund;

Shading denotes HOUSE amendments. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! The perpetual base account of the severance tax trust fund;
- ! The local government severance tax fund; and
- ! The alternative fuels rebate fund.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-1.5-106 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-1.5-106. Medical marijuana program - powers and duties of department. (3) (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, ON JUNE 30, 2011, THE STATE TREASURER SHALL DEDUCT THREE MILLION DOLLARS FROM THE MEDICAL MARIJUANA PROGRAM CASH FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

SECTION 2. 39-29-109 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

39-29-109. Severance tax trust fund - created - administration - distribution of moneys. (2) State severance tax receipts shall be credited to the severance tax trust fund as provided in section 39-29-108. Except as otherwise set forth in section 39-29-109.5, all income derived from the deposit and investment of the moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain therein and shall not be credited or transferred to the general fund or any other fund. All moneys in the fund shall be subject to appropriation by the general assembly for the following purposes:

(a) **The perpetual base account.** (VI) NOTWITHSTANDING ANY PROVISION OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) TO THE CONTRARY, ON JUNE 30, 2011, THE STATE TREASURER SHALL DEDUCT

1 ELEVEN MILLION DOLLARS FROM THE PERPETUAL BASE ACCOUNT OF THE
2 FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

3 **SECTION 3.** 39-29-110, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **39-29-110. Local government severance tax fund - creation -**
6 **administration - definitions.** (6) NOTWITHSTANDING ANY PROVISION OF
7 THIS SECTION TO THE CONTRARY:

8 (a) ON JUNE 30, 2011, THE STATE TREASURER SHALL DEDUCT TEN
9 MILLION DOLLARS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND
10 AND TRANSFER SUCH SUM TO THE GENERAL FUND.

11 (b) DUE TO THE TRANSFER MADE PURSUANT TO PARAGRAPH (a) OF
12 THIS SUBSECTION (6), FOR THE STATE FISCAL YEAR COMMENCING ON JULY
13 1, 2010, THE AMOUNT OF THE GROSS RECEIPTS CREDITED TO THE LOCAL
14 GOVERNMENT SEVERANCE TAX FUND THAT ARE DISTRIBUTED PURSUANT
15 TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE
16 DECREASED BY THREE MILLION DOLLARS AND THE AMOUNT OF GROSS
17 RECEIPTS THAT ARE DISTRIBUTED PURSUANT TO PARAGRAPH (c) OF
18 SUBSECTION (1) OF THIS SECTION SHALL BE INCREASED BY THREE MILLION
19 DOLLARS.

20 **SECTION 4.** 39-33-105, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **39-33-105. Alternative fuels rebate fund.**

23 (3) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
24 CONTRARY, ON JUNE 30, 2011, THE STATE TREASURER SHALL DEDUCT ONE
25 MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE ALTERNATIVE
26 FUELS REBATE FUND AND TRANSFER SUCH SUM TO THE GENERAL FUND.

27 **SECTION 5.** 40-15-208 (3), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW
2 PARAGRAPHS to read:

3 **40-15-208. High cost support mechanism - Colorado high cost**

4 **administration fund - creation - purpose - operation - rules - repeal.**

5 (3)(d)(I) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,
6 NO LATER THAN MAY 15, 2010, THE COMMISSION SHALL TRANSMIT OR
7 CAUSE TO BE TRANSMITTED ALL MONEYS FROM THE HIGH COST SUPPORT
8 MECHANISM NOT TO EXCEED TWO MILLION THREE HUNDRED FORTY-FIVE
9 THOUSAND DOLLARS, INTO THE FUND.

10 **(ID) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE JULY 1, 2011.**

11 (c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS
12 SUBSECTION (3) TO THE CONTRARY, ON JULY 1, 2010, THE STATE
13 TREASURER SHALL DEDUCT FROM THE FUND TWO MILLION THREE
14 HUNDRED FORTY-FIVE THOUSAND DOLLARS AND TRANSFER SUCH AMOUNT
15 TO THE GENERAL FUND.

16 **SECTION 6.** 43-4-402, Colorado Revised Statutes, is amended

17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **43-4-402. Source of revenues - allocation of moneys.**

19 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
20 CONTRARY, ON JUNE 30, 2011, THE STATE TREASURER SHALL TRANSFER
21 THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

22 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
23 CONTRARY, ON JUNE 30, 2012, THE STATE TREASURER SHALL TRANSFER
24 THE BALANCE OF MONEYS IN THE FUND TO THE GENERAL FUND.

25 **SECTION 7. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

This Version Includes All Amendments
Adopted in the Second House

HOUSE BILL 10-1398

LLS NO 10-0708.01 Kate Meyer

HOUSE SPONSORSHIP

Fischer,

SENATE SPONSORSHIP

Whitehead,

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

Agriculture and Natural Resources
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE SPECIES CONSERVATION TRUST FUND, AND, IN
102 CONNECTION THEREWITH, APPROVING THE SPECIES
103 CONSERVATION ELIGIBILITY LIST.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill appropriates money from the species conservation trust fund for programs submitted by the executive director of the department of natural resources that are designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

candidate species or are likely to become candidate species as determined by the United States fish and wildlife service.

The bill also directs the state treasurer to transfer, on July 1, 2010, \$500,000 from the capital account of the species conservation trust fund (capital account), which moneys were appropriated for instream flow protection in fiscal year 2009, to the operation and maintenance account of the species conservation trust fund (operation and maintenance account), for use in the upper Colorado river recovery program.

For fiscal year 2011, the bill:

- ! Reduces from \$4,000,000 to \$3,000,000 the amount to be transferred to the capital account from the operational account of the severance tax trust fund; and
- ! Transfers \$1,000,000 to the operation and maintenance account from the operational account of the severance tax trust fund.

For the 2012 and 2013 fiscal years, the bill makes the following transfers from the operational account of the severance tax trust fund:

- ! \$4,500,000 to the capital account; and
- ! \$2,500,000 to the operation and maintenance account.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) Pursuant to:

- (a) Section 24-33-111 (2), Colorado Revised Statutes, the species conservation trust fund has been created in the state treasury to fund programs designed to conserve native species that have been listed as threatened or endangered under state or federal law, or are candidate species or are likely to become candidate species as determined by the United States fish and wildlife service;
- (b) Section 24-33-111 (3), Colorado Revised Statutes, the executive director of the department of natural resources, after consulting with the Colorado water conservation board and its director, the wildlife commission, and the director of the division of wildlife, has prepared and delivered to the general assembly a species conservation eligibility list describing programs and associated costs that are eligible to receive

(a) The executive director of the department of natural resources is authorized to obligate and expend four million five hundred thousand dollars (\$4,500,000) from the capital account of the species conservation trust fund for the following activities, programs, and species in the following amounts:

subsection (1) of this section, the state treasurer shall transfer the

1 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,
2 2013.
3 (V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012,
4 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.
5 (B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1,
6 2014.
7 (VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013,
8 TWO MILLION FIVE HUNDRED THOUSAND DOLLARS.
9 (B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
10 2015.
11 **SECTION 6. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.

1 following:
2 (d) To the capital account of the species conservation trust fund
3 created in section 24-33-111 (2) (a), C.R.S., the following amounts:
4 (IV) (A) For the state fiscal year commencing July 1, 2011, ~~four~~
5 THREE million dollars.
6 (V) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2012,
7 FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.
8 (B) THIS SUBPARAGRAPH (V) IS REPEALED, EFFECTIVE JULY 1,
9 2014.
10 (VI) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2013,
11 FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS.
12 (B) THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1,
13 2015.
14 **SECTION 5. 39-29-109.3 (2) (e), Colorado Revised Statutes, is**
15 **amended BY THE ADDITION OF THE FOLLOWING NEW**
16 **SUBPARAGRAPHS to read:**
17 **39-29-109.3. Operational account of the severance tax trust**
18 **fund - repeal.** (2) Subject to the requirements of subsections (3) and (4)
19 of this section, if the general assembly chooses not to spend up to one
20 hundred percent of the moneys in the operational account as specified in
21 subsection (1) of this section, the state treasurer shall transfer the
22 following:
23 (e) To the operation and maintenance account of the species
24 conservation trust fund created in section 24-33-111 (2) (a), C.R.S., the
25 following amounts:
26 (IV) (A) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2011,
27 ONE MILLION DOLLARS.

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-019

BY SENATOR(S) Schwartz, Brophy, Hodge, White, Whitehead, Boyd, Foster, Gibbs, Heath, Johnston, Newell, Shaffer B., Tapia, also REPRESENTATIVE(S) Fischer, Baumgardner, Curry, Gardner C., McKinley, Ryden, Summers, Vigil.

CONCERNING THE VALUATION OF NEW HYDROELECTRIC ENERGY FACILITIES FOR THE PURPOSE OF PROPERTY TAXATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 39-4-101 (3), Colorado Revised Statutes, is amended, and the said 39-4-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-4-101. Definitions. As used in this article, unless the context otherwise requires:

(3)(a) "Public utility" means, for property tax years commencing on or after January 1, 1987, every sole proprietorship, firm, limited liability company, partnership, association, company, or corporation, and the trustees or receivers thereof, whether elected or appointed, that does business in this state as a railroad company, airline company, electric company, SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, wind

energy facility, solar energy facility, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company.

(b) On and after January 1, 2000, for purposes of this article, "public utility" shall not include any affiliate or subsidiary of a sole proprietorship, firm, limited liability company, partnership, association, company, or corporation of any type of company described in paragraph (a) of this subsection (3) that is not doing business in the state primarily as a railroad company, airline company, electric company, SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, wind energy facility, solar energy facility, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company. Valuation and taxation of any such affiliate or subsidiary of a public utility as defined in paragraph (a) of this subsection (3) shall be assessed pursuant to article 5 of this title.

(3.3) (a) "SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY" MEANS A NEW FACILITY FIRST PLACED IN PRODUCTION ON OR AFTER JANUARY 1, 2010, THAT USES REAL AND PERSONAL PROPERTY, INCLUDING BUT NOT LIMITED TO LEASEHOLDS AND EASEMENTS, TO GENERATE AND DELIVER TO THE INTERCONNECTION METER ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER, THAT IS NOT PRIMARILY DESIGNED TO SUPPLY ELECTRICITY FOR CONSUMPTION ON SITE, AND THAT IS:

(I) A NEW FACILITY THAT IS A SMALL FACILITY THAT HAS A NAMEPLATE RATING OF TEN MEGAWATTS OR LESS; OR

(II) A NEW FACILITY THAT HAS A NAMEPLATE RATING OF MORE THAN TEN MEGAWATTS AND THAT:

(A) IS AN ADDITION TO WATER INFRASTRUCTURE SUCH AS A RESERVOIR, A DITCH, OR A PIPELINE THAT EXISTED BEFORE JANUARY 1, 2010;

(B) DOES NOT RESULT IN ANY CHANGE IN THE QUANTITY OR TIMING OF DIVERSIONS OR RELEASES FOR PURPOSES OF PEAK POWER GENERATION;

PAGE 2-SENATE BILL 10-019

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(C) INCLUDES MEASURES TO PREVENT FISH MORTALITY IN FACILITIES ON ON-STREAM RESERVOIRS AND NATURAL WATERWAYS, AND

(D) DOES NOT CAUSE ANY VIOLATION OF STATE WATER QUALITY STANDARDS WHEN OPERATED, OR

(III) A NEW FACILITY THAT HAS A NAMEPLATE RATING OF MORE THAN TEN MEGAWATTS AND THAT:

(A) IS PLACED INTO PRODUCTION AS PART OF NEW WATER INFRASTRUCTURE SUCH AS A RESERVOIR, A DITCH, OR A PIPELINE CONSTRUCTED ON OR AFTER JANUARY 1, 2010, AND OPERATED FOR PRIMARY BENEFICIAL USES OF WATER OTHER THAN SOLELY FOR PRODUCTION OF ELECTRICITY;

(B) INCLUDES MEASURES TO PREVENT FISH MORTALITY IN FACILITIES ON RESERVOIRS AND NATURAL WATERWAYS, AND

(C) DOES NOT CAUSE ANY VIOLATION OF STATE WATER QUALITY STANDARDS WHEN OPERATED.

(b) FOR PURPOSES OF THIS SUBSECTION (3.3), "NEW FACILITY" INCLUDES A COMBINED FACILITY THAT IS A COMBINATION OF A FACILITY PLACED IN PRODUCTION BEFORE JANUARY 1, 2010, THAT USES REAL AND PERSONAL PROPERTY TO GENERATE AND DELIVER TO THE INTERCONNECTION METER ANY SOURCE OF ELECTRIC OR MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER AND THAT IS NOT PRIMARILY DESIGNED TO SUPPLY ENERGY FOR CONSUMPTION ON SITE AND AN ADDITION OR ENERGY EFFICIENCY IMPROVEMENT TO THE FACILITY FIRST PLACED IN PRODUCTION ON OR AFTER JANUARY 1, 2010, IF THE ADDITION OR EFFICIENCY IMPROVEMENT INCREASES THE ELECTRICAL OR MECHANICAL ENERGY-PRODUCING CAPACITY OF THE COMBINED FACILITY BY AT LEAST TWENTY-FIVE PERCENT OVER THE CAPACITY OF THE FACILITY PLACED IN PRODUCTION BEFORE JANUARY 1, 2010, ALONE.

SECTION 2. 39-4-102 (1) (e) (II), the introductory portion to 39-4-102 (1.5), and 39-4-102 (1.5) (a), (1.5) (b) (I), (1.5) (b) (V), (1.5) (c), and (1.5) (d), Colorado Revised Statutes, are amended to read:

39-4-102. Valuation of public utilities. (1) The administrator shall

PAGE 3-SENATE BILL 10-019

determine the actual value of the operating property and plant of each public utility as a unit, giving consideration to the following factors and assigning such weight to each of such factors as in the administrator's judgment will secure a just value of such public utility as a unit

(c) (II) For purposes of this paragraph (c), "renewable energy" has the meaning provided in section 40-1-102 (11), C.R.S., but shall not include energy generated from a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, a wind energy facility, or a solar energy facility.

(1.5) The administrator shall determine the actual value of a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, a wind energy facility, or a solar energy facility as follows:

(a) The general assembly hereby declares that consideration by the administrator of the cost approach and market approach to the appraisal of a wind energy facility or a solar energy facility results in valuations that are neither uniform nor just and equal because of wide variations in the production of energy from wind turbines and solar energy devices, as defined in section 38-32.5-100.3 (2), C.R.S., because of the uncertainty of wind and sunlight available for energy production, and because constructing a wind energy facility or a solar energy facility is significantly more expensive than constructing any other utility production facility. THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS ALSO APPROPRIATE TO VALUE SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITIES, WHICH ALSO HAVE HIGH CONSTRUCTION COSTS RELATIVE TO THEIR ONGOING OPERATIONAL COSTS, USING THE INCOME APPROACH. Therefore, in the absence of preponderant evidence shown by the administrator that the use of the cost approach and market approach results in uniform and just and equal valuation, a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, a wind energy facility, or a solar energy facility shall be valued based solely upon the income approach.

(b) (I) The actual value of a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, a wind energy facility, or a solar energy facility shall be at an amount equal to a tax factor times the selling price at the interconnection meter.

(V) For purposes of calculating the tax factor as required in subparagraph (IV) of this paragraph (b), an owner or operator of a SMALL

PAGE 4-SENATE BILL 10-019

OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, A WIND ENERGY FACILITY, or a solar energy facility shall provide a copy of the SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY's, wind energy facility's, or solar energy facility's current power purchase agreement to the administrator by April 1 of each assessment year. The administrator shall also have the authority to request a copy of the current power purchase agreement from the purchaser of power generated at a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, A WIND ENERGY FACILITY, or a solar energy facility. All agreements provided to the administrator pursuant to this subparagraph (V) shall be considered private documents and shall be available only to the administrator and the employees of the division of property taxation in the department of local affairs.

(c) The location of a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, A WIND ENERGY FACILITY, or a solar energy facility on real property shall not affect the classification of that real property for purposes of determining the actual value of that real property as provided in section 39-1-103.

(d) Pursuant to section 39-3-118.5, no actual value for any personal property used in a SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITY, A WIND ENERGY FACILITY, or a solar energy facility shall be assigned until the personal property is first put into use by the facility. If any item of personal property is used in the facility and is subsequently taken out of service so that no SMALL OR LOW IMPACT HYDROELECTRIC ENERGY, wind energy, or solar energy is produced from that facility for the preceding calendar year, no actual value shall be assigned to that item of more than five percent of the installed cost of the item for that assessment year.

SECTION 3. 39-5-104.7 (1) (b), Colorado Revised Statutes, is amended to read:

39-5-104.7. Valuation of real and personal property that produces alternating current electricity from a renewable energy source. (1) (b) The valuation requirements specified in paragraph (a) of this subsection (1) shall not apply to SMALL OR LOW IMPACT HYDROELECTRIC ENERGY FACILITIES, AS DEFINED IN SECTION 39-4-101 (2.7), solar energy facilities, as defined in section 39-4-101 (3.5), or wind energy facilities, as defined in section 39-4-101 (4).

SECTION 4. Applicability. This act shall apply to the determination of the actual value of small or low impact hydroelectric energy facilities first placed in production on or after January 1, 2010.

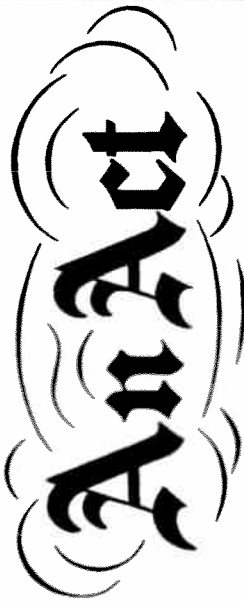
SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
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Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
---	--

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO



SENATE BILL 10-025

BY SENATOR(S) Whitehead, Brophy, Hodge, Schwartz, White, Boyd, Foster, Gibbs, Keller, Kester, Newell, Sandoval, Shaffer B., Tapia, Williams;
also REPRESENTATIVE(S) Baumgardner, Curry, Fischer, Gardner C., McKinley, Frangas, Gerou, Kefalas, Kerr J., King S., Roberts, Ryden, Todd, Vigil.

CONCERNING THE LONG-TERM FUNDING OF THE WATER EFFICIENCY GRANT PROGRAM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-60-126 (12) (a) (III), (12) (a) (IV), and (12) (c), Colorado Revised Statutes, are amended to read:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - repeal. (12) (a) (III) For the 2005-06 through 2010-11 EACH fiscal years YEAR BEGINNING ON OR AFTER JULY 1, 2010, the general assembly shall appropriate from the fund to the board up to five hundred thousand dollars annually for the purpose of providing grants to covered entities, other state and local governmental entities, and agencies in accordance with this subsection (12). Commencing

July 1, 2008, the general assembly shall also appropriate from the fund to the board fifty thousand dollars each fiscal year ~~through 2011-12~~ to cover the costs associated with the administration of the grant program and the requirements of section 37-60-124. Moneys appropriated pursuant to this subparagraph (III) shall remain available until expended or until June 30, 2012 2020, whichever occurs first.

(IV) Any moneys remaining in the fund on June 30, 2012 2020, shall be transferred to the operational account of the severance tax trust fund described in section 39-29-109 (2) (b), C.R.S.

(c) This subsection (12) is repealed, effective July 1, 2012 2020.

SECTION 2. 39-29-109.3 (2) (c) (I) (A) and (2) (c) (III), Colorado Revised Statutes, are amended to read:

39-29-109.3. Operational account of the severance tax trust fund - repeal. (2) Subject to the requirements of subsections (3) and (4) of this section, if the general assembly chooses not to spend up to one hundred percent of the moneys in the operational account as specified in subsection (1) of this section, the state treasurer shall transfer the following:

(c) (I) To the water efficiency grant program cash fund created in section 37-60-126 (12), C.R.S., for use in accordance with that section, the following amounts:

(A) For the EACH state fiscal year commencing ON OR AFTER July 1, 2008- eight 2012, FIVE hundred FIFTY thousand dollars. ~~If, on June 30, 2008, there is more than one hundred thousand dollars of unbudgeted revenue in the operational account above the reserve required by subsection (3) of this section, the state treasurer shall transfer such amounts over one hundred thousand dollars, up to a maximum of one million dollars, to the water efficiency grant program cash fund on July 1, 2008.~~

(III) This paragraph (c) is repealed, effective July 1, 2012 2020.

SECTION 3. Safety clause. The general assembly hereby finds,

PAGE 2-SENATE BILL 10-025

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shafter PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
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Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
---	--

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-027

BY SENATOR(S) Sandoval, Brophy, Hodge, Romer, Whitehead,
also REPRESENTATIVE(S) Roberts, Baumgardner, Curry, Gerou, Looper,
Massey, Priola, Stephens, Vigil.

CONCERNING A FINE FOR THE UNAUTHORIZED DIVERSION OF SURFACE
WATER.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-92-503 (6) (a), Colorado Revised Statutes, is amended to read:

37-92-503. Enforcement - injunction. (6) (a) (I) Any person who diverts ~~ground water~~ GROUNDWATER contrary to a valid order of the state engineer or a division engineer issued pursuant to section 37-92-502, in violation of a plan approved pursuant to rules and regulations adopted by the state engineer, or otherwise in violation of rules and regulations adopted by the state engineer to regulate or measure diversions of ~~ground water~~ GROUNDWATER shall forfeit and pay a sum not to exceed five hundred dollars for each day such violation continues.

(II) ANY PERSON WHO DIVERTS SURFACE WATER CONTRARY TO A VALID ORDER OF THE STATE ENGINEER OR A DIVISION ENGINEER ISSUED

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PURSUANT TO SECTION 37-92-502 SHALL FORFEIT AND PAY A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH DAY SUCH VIOLATION CONTINUES.

PAGE 2-SENATE BILL 10-027

SECTION 2. Applicability. The provisions of this act shall apply to conduct occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

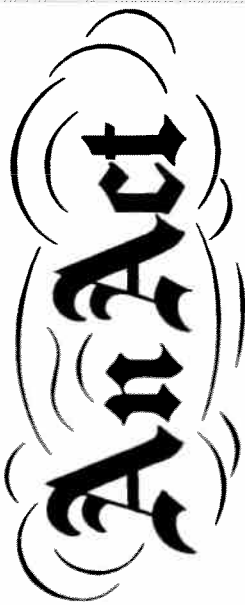
Brandon C. Shafter PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
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Karen Goldman SECRETARY OF THE SENATE	Marlyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
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APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 10-052

BY SENATOR(S) Brophy, Hodge, Romer, Shaffer B., Tochtrop,
Whitehead;
also REPRESENTATIVE(S) Curry, Fischer, Gardner C., King S.

CONCERNING THE ABILITY OF THE GROUNDWATER COMMISSION TO ALTER
THE BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 37-90-106 (1) (a), Colorado Revised Statutes, is amended, and the said 37-90-106 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

37-90-106. Determination of designated groundwater basins - exception - legislative declaration - repeal. (1)(a) The commission shall, from time to time as adequate factual data ~~becomes~~ **become** available, determine designated groundwater basins and subdivisions thereof by geographic description, ~~and, as future conditions require and~~ **and, as future conditions require** and If factual data obtained after the designation of a groundwater basin justify, ~~shall~~ **the commission may** alter the boundaries or description thereof of that designated groundwater basin by adding lands to the basin. After a determination of a designated groundwater basin becomes final, the commission may alter the boundaries to

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EXCLUDE LANDS FROM THAT BASIN ONLY IF FACTUAL DATA JUSTIFY THE ALTERATION AND THE ALTERATION WOULD NOT EXCLUDE FROM THE DESIGNATED GROUNDWATER BASIN ANY WELL FOR WHICH A CONDITIONAL OR FINAL PERMIT TO USE DESIGNATED GROUNDWATER HAS BEEN ISSUED. THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT ALLOWING ALTERATIONS TO EXCLUDE LANDS FROM A DESIGNATED GROUNDWATER BASIN ONLY UNDER SUCH CIRCUMSTANCES AS SET FORTH IN THIS PARAGRAPH (a) REAFFIRMS, RATHER THAN ALTERS, THE GENERAL ASSEMBLY'S ORIGINAL INTENT THAT THERE BE A CUT-OFF DATE BEYOND WHICH THE LEGAL STATUS OF GROUNDWATER INCLUDED IN A DESIGNATED GROUNDWATER BASIN CANNOT BE CHALLENGED, AND THAT SUCH CUT-OFF DATE WAS INTENDED TO BE THE DATE OF FINALITY FOR THE ORIGINAL DESIGNATION OF THE BASIN. AFTER THIS CUT-OFF DATE HAS PASSED, ANY REQUEST TO EXCLUDE WELLS THAT ARE PERMITTED TO USE DESIGNATED GROUNDWATER FROM AN EXISTING GROUNDWATER BASIN SHALL CONSTITUTE AN IMPERMISSIBLE COLLATERAL ATTACK ON THE ORIGINAL DECISION TO DESIGNATE THE BASIN.

(a.5) NOTHING IN SENATE BILL 10-052, ENACTED IN 2010, SHALL AFFECT LITIGATION BROUGHT UNDER THIS SECTION THAT IS PENDING ON JANUARY 1, 2010.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

PAGE 2-SENATE BILL 10-052

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

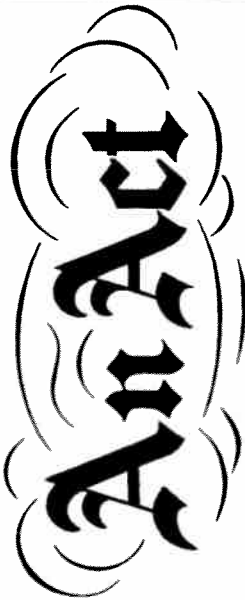
Brandon C. Shafter PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
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Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
---	--

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 10-174

BY SENATOR(S) Schwartz, Gibbs, Whitehead, Foster, Heath, Johnston, Newell, Shaffer B, White, Williams;
also REPRESENTATIVE(S) Massey and Scanlan, Apuan, Court, Fischer, Labuda, Merrifield, Pace, Peniston, Priola, Summers.

CONCERNING THE REGULATION OF THE DEVELOPMENT OF GEOTHERMAL RESOURCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-65 1-202 (1) (d), Colorado Revised Statutes, is amended to read:

24-65.1-202. Criteria for administration of areas of state interest. (1)(d) Unless an activity of state interest has been designated or identified or unless it includes part or all of another area of state interest, an area of oil and gas or ~~geothermal resource~~ development shall not be designated as an area of state interest unless the state oil and gas conservation commission identifies such area for designation.

SECTION 2. 24-65 1-203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-65.1-203. Activities of state interest as determined by local governments. (1) Subject to the procedures set forth in part 4 of this article, a local government may designate certain activities of state interest from among the following:

(j) THE USE OF GEOTHERMAL RESOURCES FOR THE COMMERCIAL PRODUCTION OF ELECTRICITY.

SECTION 3. Article 63 of title 34, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

34-63-105. Geothermal resource leasing fund. (1) THE STATE TREASURER SHALL DEPOSIT ALL REVENUES FROM SALES, BONUSES, ROYALTIES, LEASES, AND RENTALS RELATED TO GEOTHERMAL RESOURCES, AS THAT TERM IS DEFINED IN SECTION 37-90, 5-103, C.R.S., RECEIVED BY THE STATE PURSUANT TO 30 U.S.C. SEC. 1019, AS AMENDED, AND ALL MONEYS EARNED FROM THE INVESTMENT OF SUCH REVENUES, INTO THE GEOTHERMAL RESOURCE LEASING FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY, FOR APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT OF LOCAL AFFAIRS FOR GRANTS TO STATE AGENCIES, SCHOOL DISTRICTS, AND POLITICAL SUBDIVISIONS OF THE STATE AFFECTED BY THE DEVELOPMENT AND PRODUCTION OF GEOTHERMAL RESOURCES OR OTHER ENTITIES AUTHORIZED BY FEDERAL LAW.

(a) PRIMARILY FOR USE BY SUCH ENTITIES IN PLANNING FOR AND PROVIDING FACILITIES AND SERVICES NECESSITATED BY SUCH DEVELOPMENT AND PRODUCTION; AND

(b) SECONDARILY TO THE ENTITIES LISTED IN THE INTRODUCTORY PORTION TO THIS SUBSECTION (1) FOR OTHER STATE PURPOSES AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(2) AFTER THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS HAS ALLOCATED SUFFICIENT REVENUES FROM THE FUND TO ADEQUATELY ADDRESS THE NEEDS SPECIFIED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE EXECUTIVE DIRECTOR SHALL, IN CONSULTATION WITH THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., ALLOCATE REVENUES FROM THE FUND BY COMPETITIVE GRANTS FOR THE PROMOTION OF THE DEVELOPMENT OF GEOTHERMAL ENERGY RESOURCES.

PAGE 2-SENATE BILL 10-174

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 4. 24-38.5-102 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-38.5-102. Governor's energy office - duties and powers.

(1) The governor's energy office shall:

(i) ASSIST THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS IN ALLOCATING REVENUES FROM THE GEOTHERMAL RESOURCE LEASING FUND TO ELIGIBLE ENTITIES PURSUANT TO SECTION 34-63-105, C.R.S.

SECTION 5. 37-90.5-103 (1), Colorado Revised Statutes, is amended, and the said 37-90.5-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-90.5-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "~~Geothermal by-products~~" means ~~dissolved or entrained minerals and gases that may be obtained from the material medium, excluding hydrocarbon substances and carbon dioxide~~ "Direct use" means THE UTILIZATION OF GEOTHERMAL RESOURCES FOR COMMERCIAL, RESIDENTIAL, AGRICULTURAL, PUBLIC FACILITIES, OR OTHER ENERGY NEEDS OTHER THAN THE COMMERCIAL PRODUCTION OF ELECTRICITY.

(1.5) "GEOTHERMAL BY-PRODUCTS" MEANS DISSOLVED OR ENTRAINED MINERALS AND GASES THAT MAY BE OBTAINED FROM THE MATERIAL MEDIUM, EXCLUDING HYDROCARBON SUBSTANCES AND CARBON DIOXIDE.

SECTION 6. 37-90.5-105 (2), Colorado Revised Statutes, is amended, and the said 37-90.5-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

37-90.5-105. Access - reasonable accommodation. (2) Where the property right to a hot-dry-rock SEVERABLE GEOTHERMAL resource has been severed, reserved, or transferred with the subsurface estate, its owner may enter upon the overlying surface parcel at reasonable times and in a reasonable manner to prospect for and produce the energy from such resource, if adequate compensation is paid to the owner of the surface

PAGE 3-SENATE BILL 10-174

parcel for damages and disturbance IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION. This right of entry shall not include the right to construct surface utilization facilities, and such facilities may be constructed only upon agreement with the surface owner IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

(3) (a) (I) A DEVELOPER OF ANY TYPE OF GEOTHERMAL RESOURCE SHALL DEVELOP THE RESOURCE IN A MANNER THAT ACCOMMODATES THE SURFACE OWNER BY MINIMIZING INTRUSION UPON AND DAMAGE TO THE SURFACE OF THE LAND.

(II) AS USED IN THIS SECTION, "MINIMIZING INTRUSION UPON AND DAMAGE TO THE SURFACE" MEANS SELECTING ALTERNATIVE LOCATIONS FOR WELLS, ROADS, PIPELINES, OR HEAT EXCHANGE OR GENERATION FACILITIES, OR EMPLOYING ALTERNATIVE MEANS OF OPERATION, THAT PREVENT, REDUCE, OR MITIGATE THE IMPACTS OF THE GEOTHERMAL DEVELOPMENT ON THE SURFACE, WHERE SUCH ALTERNATIVES ARE TECHNOLOGICALLY SOUND, ECONOMICALLY PRACTICABLE, AND REASONABLY AVAILABLE TO THE DEVELOPER.

(III) THE STANDARD OF CONDUCT SET FORTH IN THIS SUBSECTION (3) DOES NOT PREVENT A DEVELOPER FROM ENTERING UPON AND USING THAT AMOUNT OF THE SURFACE AS IS REASONABLE AND NECESSARY TO EXPLORE FOR AND DEVELOP THE GEOTHERMAL RESOURCE.

(IV) THE STANDARD OF CONDUCT SET FORTH IN THIS SUBSECTION (3) DOES NOT ABROGATE OR IMPAIR A CONTRACTUAL PROVISION THAT IS BINDING ON THE PARTIES AND THAT EXPRESSLY PROVIDES FOR THE USE OF THE SURFACE FOR THE DEVELOPMENT OF GEOTHERMAL RESOURCES OR THAT RELEASES THE DEVELOPER FROM LIABILITY FOR THE USE OF THE SURFACE

(b) A GEOTHERMAL RESOURCE DEVELOPER'S FAILURE TO MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) OR, IF APPLICABLE, SUBSECTION (2) OF THIS SECTION, GIVES RISE TO A CAUSE OF ACTION BY THE SURFACE OWNER. UPON A DETERMINATION BY THE TRIER OF FACT THAT SUCH FAILURE HAS OCCURRED, A SURFACE OWNER MAY SEEK COMPENSATORY DAMAGES OR SUCH EQUITABLE RELIEF AS IS CONSISTENT WITH PARAGRAPH (a) OF THIS SUBSECTION (3) OR, IF APPLICABLE, SUBSECTION (2) OF THIS SECTION.

PAGE 4-SENATE BILL 10-174

VALID, PRIOR GEOTHERMAL RIGHT.

SECTION 8. 39-4-101 (3), Colorado Revised Statutes, is amended, and the said 39-4-101 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-4-101. Definitions. As used in this article, unless the context otherwise requires:

(2.4) "GEOTHERMAL ENERGY FACILITY" MEANS A NEW FACILITY FIRST PLACED IN PRODUCTION ON OR AFTER JANUARY 1, 2010, THAT USES REAL AND PERSONAL PROPERTY, INCLUDING BUT NOT LIMITED TO LEASEHOLDS AND EASEMENTS, TO GENERATE AND DELIVER TO THE INTERCONNECTION METER ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE HEAT ENERGY OF GROUNDWATER OR THE GROUND AND THAT IS NOT PRIMARILY DESIGNED TO SUPPLY ELECTRICITY FOR CONSUMPTION ON SITE.

(3)(a) "Public utility" means, for property tax years commencing on or after January 1, 1987, every sole proprietorship, firm, limited liability company, partnership, association, company, or corporation, and the trustees or receivers thereof, whether elected or appointed, that does business in this state as a railroad company, airline company, electric company, GEOTHERMAL ENERGY FACILITY, wind energy facility, solar energy facility, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company.

(b) On and after January 1, ~~2000~~ 2010, for purposes of this article, "public utility" shall not include any affiliate or subsidiary of a sole proprietorship, firm, limited liability company, partnership, association, company, or corporation of any type of company described in paragraph (a) of this subsection (3) that is not doing business in the state primarily as a railroad company, airline company, electric company, GEOTHERMAL ENERGY FACILITY, wind energy facility, solar energy facility, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company. Valuation and taxation of any such

PAGE 6-SENATE BILL 10-174

(c)(I) IN ANY LITIGATION OR ARBITRATION BASED UPON SUBSECTION (2) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION (3), THE SURFACE OWNER SHALL PRESENT EVIDENCE THAT THE DEVELOPER'S USE OF THE SURFACE MATERIALLY INTERFERED WITH THE SURFACE OWNER'S USE OF THE SURFACE OF THE LAND. AFTER SUCH SHOWING, THE DEVELOPER BEARS THE BURDEN OF PROOF OF SHOWING THAT IT MET THE STANDARD SET OUT IN PARAGRAPH (a) OF THIS SUBSECTION (3) AND, IF APPLICABLE, SUBSECTION (2) OF THIS SECTION. IF A DEVELOPER MAKES THAT SHOWING, THE SURFACE OWNER MAY PRESENT REBUTTAL EVIDENCE.

(II) AN OPERATOR MAY ASSERT, AS AN AFFIRMATIVE DEFENSE, THAT IT HAS CONDUCTED GEOTHERMAL RESOURCE DEVELOPMENT IN ACCORDANCE WITH A REGULATORY REQUIREMENT, CONTRACTUAL OBLIGATION, OR LAND USE PLAN PROVISION THAT SPECIFICALLY APPLIES TO THE ALLEGED INTRUSION OR DAMAGE.

(d) NOTHING IN THIS SECTION:

(I) PRECLUDES OR IMPAIRS ANY PERSON FROM OBTAINING ANY AND ALL OTHER REMEDIES ALLOWED BY LAW;

(II) PREVENTS A DEVELOPER AND A SURFACE OWNER FROM ADDRESSING THE USE OF THE SURFACE FOR GEOTHERMAL RESOURCE DEVELOPMENT IN A LEASE, SURFACE USE AGREEMENT, OR OTHER WRITTEN CONTRACT; OR

(III) ESTABLISHES, ALTERS, IMPAIRS, OR NEGATES THE AUTHORITY OF LOCAL AND COUNTY GOVERNMENTS TO REGULATE LAND USE RELATED TO GEOTHERMAL RESOURCE DEVELOPMENT.

SECTION 7. 37-90.5-107 (8), Colorado Revised Statutes, is amended to read:

37-90.5-107. Relationship to water - when permit required. (8) For purposes of this section, "materially injure" and "material injury" ~~shall~~ include any diminution or alteration in the quantity, temperature, or quality of any valid, prior water or geothermal right, EXCEPT THAT, WITH REGARD TO A GEOTHERMAL RIGHT, "MATERIALLY INJURE" AND "MATERIAL INJURY" INCLUDE A DIMINUTION OR ALTERATION IN THE TEMPERATURE OF WATER ONLY IF THE DIMINUTION OR ALTERATION ADVERSELY AFFECTS THE

PAGE 5-SENATE BILL 10-174

affiliate or subsidiary of a public utility as defined in paragraph (a) of this subsection (3) shall be assessed pursuant to article 5 of this title.

SECTION 9. 39-4-102 (1) (e) (II), the introductory portion to 39-4-102 (1.5), and 39-4-102 (1.5) (a), (1.5) (b) (I), (1.5) (b) (V), (1.5) (c), and (1.5) (d), Colorado Revised Statutes, are amended to read:

39-4-102. Valuation of public utilities. (1) The administrator shall determine the actual value of the operating property and plant of each public utility as a unit, giving consideration to the following factors and assigning such weight to each of such factors as in the administrator's judgment will secure a just value of such public utility as a unit:

(e) (II) For purposes of this paragraph (e), "renewable energy" has the meaning provided in section 40-1-102 (1), C.R.S., but shall not include energy generated from a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility.

(1.5) The administrator shall determine the actual value of a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility as follows:

(a) The general assembly hereby declares that consideration by the administrator of the cost approach and market approach to the appraisal of a wind energy facility or a solar energy facility results in valuations that are neither uniform nor just and equal because of wide variations in the production of energy from wind turbines and solar energy devices, as defined in section 38-32.5-100.3 (2), C.R.S., because of the uncertainty of wind and sunlight available for energy production, and because constructing a wind energy facility or a solar energy facility is significantly more expensive than constructing any other utility production facility. THE GENERAL ASSEMBLY FURTHER DECLARES THAT IT IS ALSO APPROPRIATE TO VALUE GEOTHERMAL ENERGY FACILITIES, WHICH ALSO HAVE HIGH CONSTRUCTION COSTS RELATIVE TO THEIR ONGOING OPERATIONAL COSTS, USING THE INCOME APPROACH. Therefore, in the absence of preponderant evidence shown by the administrator that the use of the cost approach and market approach results in uniform and just and equal valuation, a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility shall be valued based solely upon the income approach.

PAGE 7-SENATE BILL 10-174

(b) (I) The actual value of a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility shall be at an amount equal to a tax factor times the selling price at the interconnection meter.

(V) For purposes of calculating the tax factor as required in subparagraph (IV) of this paragraph (b), an owner or operator of a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility shall provide a copy of the GEOTHERMAL ENERGY FACILITY'S, wind energy facility'S, or solar energy facility'S current power purchase agreement to the administrator by April 1 of each assessment year. The administrator shall also have the authority to request a copy of the current power purchase agreement from the purchaser of power generated at a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility. All agreements provided to the administrator pursuant to this subparagraph (V) shall be considered private documents and shall be available only to the administrator and the employees of the division of property taxation in the department of local affairs.

(c) The location of a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility on real property shall not affect the classification of that real property for purposes of determining the actual value of that real property as provided in section 39-1-103.

(d) Pursuant to section 39-3-118.5, no actual value for any personal property used in a GEOTHERMAL ENERGY FACILITY, A wind energy facility, or a solar energy facility shall be assigned until the personal property is first put into use by the facility. If any item of personal property is used in the facility and is subsequently taken out of service so that no GEOTHERMAL ENERGY, wind energy, or solar energy is produced from that facility for the preceding calendar year, no actual value shall be assigned to that item of more than five percent of the installed cost of the item for that assessment year.

SECTION 10. 39-5-104.7 (1) (b), Colorado Revised Statutes, is amended to read:

39-5-104.7. Valuation of real and personal property that produces alternating current electricity from a renewable energy source. (1) (b) The valuation requirements specified in paragraph (a) of this subsection (1) shall not apply to GEOTHERMAL ENERGY FACILITIES, solar

PAGE 8-SENATE BILL 10-174

energy facilities, as defined in section 39-4-101 (3-5); or wind energy facilities, as THOSE TERMS ARE defined in section 39-4-101. (4)

SECTION 11. 40-2-123, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration - repeal. (3.2) IN ITS CONSIDERATION OF GENERATION ACQUISITIONS FOR ELECTRIC UTILITIES, THE COMMISSION MAY GIVE THE FULLEST POSSIBLE CONSIDERATION, AT A UTILITY'S REQUEST, TO THE COST-EFFECTIVE IMPLEMENTATION OF NEW ENERGY TECHNOLOGIES FOR THE GENERATION OF ELECTRICITY FROM GEOTHERMAL ENERGY.

SECTION 12. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1(3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to conduct occurring on or after the applicable effective date of this act.

Brandon C. Shafter PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
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Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
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APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO



SENATE JOINT RESOLUTION 10-004

BY SENATOR(S) Whitehead, Bacon, Carroll M., Gibbs, Heath, Hodge, Johnston, Keller, Romer, Shaffer B., Tapia, Tochtrop, Williams; also REPRESENTATIVE(S) Fischer, Frangas, Liston, Pace.

CONCERNING APPROVAL OF WATER PROJECT REVOLVING FUND ELIGIBILITY LISTS ADMINISTERED BY THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY.

WHEREAS, Pursuant to section 37-95-107.8, Colorado Revised Statutes, the Drinking Water Revolving Fund (DWRF) has been created in the Colorado Water Resources and Power Development Authority (Authority) to provide financial assistance for certain drinking water supply projects; and

WHEREAS, Pursuant to sections 37-95-103 (4.8) and 37-95-107.8 (4) (c), Colorado Revised Statutes, in order to qualify for financial assistance from the Drinking Water Revolving Fund, proposed projects must be included on the Drinking Water Project Eligibility List; and

WHEREAS, Pursuant to section 37-95-107.8 (4) (b), Colorado Revised Statutes, the Water Quality Control Commission has developed additions or modifications to the Drinking Water Project Eligibility List; and

WHEREAS, Pursuant to section 37-95-107.6, Colorado Revised Statutes, the Water Pollution Control Revolving Fund (WPCRF) has been created in the Authority to provide financial assistance for certain wastewater treatment system projects; and

WHEREAS, Pursuant to sections 37-95-103 (13.5) and 37-95-107.6 (4) (c), Colorado Revised Statutes, in order to qualify for assistance from the Water Pollution Control Revolving Fund, proposed projects must be

included on the Water Pollution Control Project Eligibility List; and

WHEREAS, Pursuant to section 37-95-107.6 (4) (b), Colorado Revised Statutes, the Water Quality Control Commission has developed additions or modifications to the Water Pollution Control Project Eligibility List; and

WHEREAS, The provision of financial assistance from the Drinking Water Revolving Fund and the Water Pollution Control Revolving Fund to the proposed projects will preserve, protect, conserve, and develop the water resources of the state; promote the beneficial use of the waters of the state and the protection and preservation of the public health, safety, and welfare; create and preserve jobs and employment opportunities; and improve the economic welfare of the people of the state; and

WHEREAS, The General Assembly deems the additions and modifications to the Drinking Water Project Eligibility List and the Water Pollution Control Project Eligibility List adopted by the Water Quality Control Commission to be in the interest and to the advantage of the people of the state; now, therefore,

Be It Resolved by the Senate of the Sixty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

1. That the following additions, modifications, or deletions to the Drinking Water Project Eligibility List as defined in section 37-95-103 (4.8) and pursuant to section 37-95-107.8 (4) (c), Colorado Revised Statutes, are adopted:

A. ADDITIONS

ENTITY	BRIEF PROJECT DESCRIPTION
Academy Water and Sanitation District	Water management facilities including, but not limited to, storage

Aguilar, Town of	Water management facilities including, but not limited to, storage, supply	Boone, Town of	Water management facilities including, but not limited to, source water protection, treatment plant, distribution, transmission, storage, supply, meters, green infrastructure
Aspen Park Metropolitan District	Water management facilities including, but not limited to, treatment plant	Boulder, City of	Water management facilities including, but not limited to, supply
Aurora, City of	Water management facilities including, but not limited to, green infrastructure, storage	Brush, City of	Water management facilities including, but not limited to, distribution, transmission
Avondale Water and Sanitation District	Water management facilities including, but not limited to, distribution, transmission, supply, meters, source water protection	Buena Vista, Town of	Water management facilities including, but not limited to, meters, distribution, transmission, treatment plant, storage, supply, source water protection, green infrastructure
Bailey Water and Sanitation District	Water management facilities including, but not limited to, treatment plant, storage, distribution, transmission	Campo, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection, green infrastructure
Blue Mountain Water District	Water management facilities including, but not limited to, treatment plant, storage	Cascade Metropolitan District No. 1	Water management facilities including, but not limited to, treatment plant, distribution, transmission, green infrastructure
Blue Valley Metropolitan District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage	Castle Rock, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, meters, supply, green infrastructure
Bone Mesa Water District	Water management facilities including, but not limited to, treatment plant, interconnection, distribution, transmission, supply, source water protection, storage		

Cheraw, Town of	Water management facilities including, but not limited to, treatment plant, consolidation, distribution, transmission, storage, supply, meters, source water protection, green infrastructure	Delta County/Ginters Grove	Water management facilities including, but not limited to, distribution, transmission
Conejos County/Guadalupe Water Association	Water management facilities including, but not limited to, treatment plant, distribution, transmission, supply, meters	Delta, City of	Water management facilities including, but not limited to, distribution, transmission, storage
Conifer Metropolitan District	Water management facilities including, but not limited to, treatment plant, supply	Denver, City of	Water management facilities including, but not limited to, treatment plant, supply, distribution, transmission
Craig, City of	Water management facilities including, but not limited to, distribution, transmission, storage, meters	Dillon Valley Water and Sanitation District	Water management facilities including, but not limited to, treatment plant, meters
Delta County/Crawford Mesa Water Association	Water management facilities including, but not limited to, source water protection	Donala Water and Sanitation District	Water management facilities including, but not limited to, distribution, transmission, storage, treatment plant, consolidation
Crestview Water and Sanitation District	Water management facilities including, but not limited to, distribution, transmission	Durango, City of	Water management facilities including, but not limited to, green infrastructure
Crook, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection, green infrastructure	Eagle, Town of	Water management facilities including, but not limited to, distribution, transmission, treatment plant, storage
DeBeque, Town of/Schlumberger Campus	Water management facilities including, but not limited to, storage	East Boulder County Water District	Water management facilities including, but not limited to, distribution, transmission
		East Larimer County Water District	Water management facilities including, but not limited to, distribution, transmission

Edgemont Ranch Metropolitan District	Water management facilities including, but not limited to, treatment plant, storage	Granby, Town of	Water management facilities including, but not limited to, treatment plant, storage, green infrastructure, consolidation, distribution, transmission
Elbert Water and Sanitation District	Water management facilities including, but not limited to, source water protection, treatment plant, distribution, transmission, storage, supply, meters, green infrastructure	Granby, Town of/Moraine Park	Water management facilities including, but not limited to, consolidation, treatment plant, distribution, transmission
Englewood, City of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage	Grand County Water and Sanitation District No. 1	Water management facilities including, but not limited to, treatment plant, interconnection, distribution, transmission, green infrastructure
Evergreen Metropolitan District	Water management facilities including, but not limited to, distribution, transmission, storage, meters	Greeley, City of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply
Fountain Valley Authority	Water management facilities including, but not limited to, distribution, transmission	Gunnison County/Murdie HOA	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage
Garden Valley Water and Sanitation District	Water management facilities including, but not limited to, storage	Gypsum, Town of	Water management facilities including, but not limited to, treatment plant, supply, green infrastructure
Gardner Water and Sanitation District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection, green infrastructure	Iliff, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection, green infrastructure
Goodman Point Water District	Water management facilities including, but not limited to, distribution, transmission, storage	Jefferson County	Water management facilities including, but not limited to, treatment plant

La Plata West Water Authority	Water management facilities including, but not limited to, treatment plant, consolidation, distribution, transmission, storage, supply, green infrastructure	Longmont, City of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, green infrastructure
Lafayette, City of	Water management facilities including, but not limited to, treatment plant	Louviers Water and Sanitation District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, supply, storage, meters
Lake Creek Metropolitan Water District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, green infrastructure, meters, interconnection	Lyons, Town of	Water management facilities including, but not limited to, distribution, transmission
Lakeview Estates Water District	Water management facilities including, but not limited to, treatment plant, interconnection, distribution, transmission, supply, meters	Manassa, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, supply, meters
Larimer County/Hondius Water Users Association	Water management facilities including, but not limited to, distribution, transmission, storage	Mid Valley Metropolitan District	Water management facilities including, but not limited to, treatment plant, storage, supply
Larimer County/Little Prospect Acres Subdivision	Water management facilities including, but not limited to, treatment plant, consolidation, distribution, transmission, storage	Minturn, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission
Little Thompson Water District	Water management facilities including, but not limited to, distribution, transmission, supply	Montrose, City of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage
		Monument, Town of/Lewis Palmer School District 38	Water management facilities including, but not limited to, distribution, transmission, green infrastructure
		Mt. Werner Water and Sanitation District	Water management facilities including, but not limited to, storage

North Lincoln Water and Sanitation District	Water management facilities including, but not limited to, distribution, transmission	Ruedi Shores Metropolitan District	Water management facilities including, but not limited to, distribution, transmission, storage, supply, meters
Northglenn, City of	Water management facilities including, but not limited to, treatment plant, storage	Somerset Domestic Waterworks District	Water management facilities including, but not limited to, meters
Nunn, Town of	Water management facilities including, but not limited to, distribution, transmission, storage, meters	South Fork, Town of/South Fork Water Authority	Water management facilities including, but not limited to, treatment plant, interconnection, distribution, transmission, storage, supply, meters, source water protection
Olney Springs, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, meters, green infrastructure	St. Mary's Glacier Water and Sanitation District	Water management facilities including, but not limited to, supply
Park Forest Water District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection	Steamboat Springs, City of	Water management facilities including, but not limited to, distribution, transmission
Peez, Town of	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, supply, meters, source water protection, green infrastructure	Strasburg Water and Sanitation District	Water management facilities including, but not limited to, treatment plant, consolidation, meters
Resource Colorado Water and Sanitation Metropolitan District/ 2050 Green Prairie Program	Water management facilities including, but not limited to, treatment plant, distribution, transmission, storage, green infrastructure	Traer Creek Metropolitan District	Water management facilities including, but not limited to, storage
Rout County/Community of Phippsburg	Water management facilities including, but not limited to, distribution, transmission	Tree Haus Metropolitan District	Water management facilities including, but not limited to, treatment plant, distribution, transmission, supply, source water protection, meters
		Two Rivers Metropolitan District	Water management facilities including, but not limited to, distribution, transmission, supply, meters

W/J Metropolitan District	Water management facilities including, but not limited to, supply, green infrastructure	
Weld County/Aristocrat Ranchette Water	Water management facilities including, but not limited to, distribution, transmission, storage, meters	
Woodmen Hills Metropolitan District	Water management facilities including, but not limited to, treatment plant, storage, supply	

2. That the following projects are hereby modified from the previous Drinking Water Project Eligibility List as defined in section 37-95-103 (4.8) and pursuant to section 37-95-107.8 (4) (c), Colorado Revised Statutes, due to name or project change:

ENTITY	STATUS
Arabian Acres Metropolitan District	Project change, adding meters
Arriba, Town of	Project change, adding source water protection, green infrastructure
Bell Mountain Ranch Metropolitan District	Project change, adding interconnection
Bennett, Town of	Project change, adding storage, meters, green infrastructure
Berthoud, Town of	Project change, adding consolidation
Bethune, Town of	Project change, adding treatment plant, source water protection, green infrastructure

Bristol Water and Sanitation District	Project change, adding meters
Buffalo Creek Water District	Project change, adding source water protection
Canon City, City of	Project change, adding supply, meters
Carbondale, Town of	Project change, adding distribution, transmission, green infrastructure
Cheyenne Wells, Town of	Project change, adding treatment plant, interconnection, storage, supply, source water protection, green infrastructure
Columbine Lake Water District	Project change, adding supply
Cortez, City of	Project change, adding storage, distribution, transmission
Divide MPC Metropolitan District	Project change, adding treatment plant, meters
East Cherry Creek Valley Water and Sanitation District	Project change, adding interconnection
Edgewater, City of	Project change, adding transmission, distribution, meters
Empire, Town of	Project change, adding supply
Erie, Town of	Project change, adding green infrastructure
Florence, City of	Project change, adding treatment plant
Fort Lupton, City of	Project change, adding supply, green infrastructure
Fort Morgan, City of	Project change, adding meters

Fountain, City of	Project change, adding distribution, transmission	Kiowa, Town of	Project change, adding distribution, transmission, supply
Fraser, Town of	Project change, adding source water protection, green infrastructure	Kit Carson, Town of	Project change, adding source water protection, green infrastructure, transmission, distribution
Genesee Water and Sanitation District	Project change, adding meters	La Jara, Town of	Project change, adding treatment plant
Genoa, Town of	Project change, adding meters, green infrastructure, source water protection	Lake Durango Water Authority	Project change, adding source water protection, meters, green infrastructure
Georgetown, Town of	Project change, adding meters, source water protection, green infrastructure	Lamar, City of	Project change, adding treatment plant
Grand Lake, Town of	Project change, adding consolidation, storage	Las Animas, City of	Project change, adding green infrastructure
Grover, Town of	Project change, adding treatment plant, transmission, distribution	Lochbuie, Town of	Project change, adding green distribution, transmission
Haxtun, Town of	Project change, adding meters	Loveland, City of	Project change, adding green infrastructure
Hi Land Acres Water and Sanitation District	Project change, adding meters	Mancos, Town of	Project change, adding meters, source water protection
Highland Lakes Water District	Project change, adding supply	Manitou Springs, City of	Project change, adding supply
Hudson, Town of	Project change, adding supply, meters	Merino, Town of	Project change, adding meters
Idaho Springs, City of	Project change, adding green infrastructure	Nederland, Town of	Project change, adding distribution, transmission
Indian Hills Water District	Project change, adding treatment plant	New Castle, Town of	Project change, adding green infrastructure, distribution, transmission
Kim, Town of	Project change, adding treatment plant, source water protection, green infrastructure	Norwood, Town of/Norwood Water Commission	Project change, adding green infrastructure

Ordway, Town of	Project change, adding treatment plant, meters, source water protection, green infrastructure	San Juan River Village Metropolitan District	Project change, adding transmission, distribution, meters
Pagosa Area Water and Sanitation District	Project change, adding source water protection	Sawpit, Town of	Project change, adding meters
Paint Brush Hills Metropolitan District	Project change, adding meters, source water protection	Security Water District	Project change, adding supply, storage consolidation, green infrastructure
Palisade, Town of	Project change, adding green infrastructure	Seibert, Town of	Project change, adding treatment plant, storage, meters, source water protection, green infrastructure
Paonia, Town of	Project change, adding green infrastructure	Silver Plume, Town of	Project change, adding supply, green infrastructure, source water protection
Perry Park Water and Sanitation District	Project change, adding treatment plant	South Adams County Water and Sanitation District	Project change, adding treatment plant
Pinewood Springs Water District	Project change, adding meters	Sunset Metropolitan District	Project change, adding meters, green infrastructure
Rangely, Town of	Project change, adding supply, green infrastructure	Swink, Town of	Project change, adding distribution, transmission, storage, meters, green infrastructure, source water protection
Red Rock Valley Estates Water District	Project change, adding source water protection, green infrastructure, interconnection	Tabernash Meadows Water and Sanitation District	Project change, adding distribution, transmission, storage
Rifle, City of	Project change, adding consolidation	Teller County Water and Sanitation District No. 1	Project change, adding source water protection, green infrastructure
Rockvale, Town of	Project change, adding storage, treatment plant, supply, meters, green infrastructure, source water protection	Thornton, City of	Project change, adding distribution, transmission, green infrastructure
Rye, Town of	Project change, adding source water protection, distribution, transmission, supply	Thunderbird Water and Sanitation District	Project change, adding storage, meters
Saguache, Town of	Project change, adding green infrastructure		
Salida, City of	Project change, adding meters, green infrastructure		

Timbers Water and Sanitation District	Project change, adding storage
Two Buttes, Town of	Project change, adding distribution, transmission, storage, meters, green infrastructure, source water protection
Vilas, Town of	Project change, adding storage, meters, green infrastructure, source water protection
Vona, Town of	Project change, adding distribution, transmission, supply, meters, green infrastructure, source water protection
Walsenburg, City of	Project change, adding storage
Wakins, Town of	Project change, adding distribution, transmission, storage, meters, source water protection, green infrastructure
Wellington, Town of	Project change, adding supply
Westminster, City of	Project change, adding green infrastructure
Widefield Water and Sanitation District	Project change, adding distribution, transmission, supply
Williamsburg, Town of	Project change, adding storage, meters, source water protection, green infrastructure
Yuma, City of	Project change, adding treatment plant

3. That the following projects are hereby deleted from the previous Drinking Water Project Eligibility List as defined in section 37-95-103 (4.8) and pursuant to section 37-95-107.8 (4) (c), Colorado Revised

Statutes, due to completion, funding from other resources, ineligibility for DWRF assistance, or achieving compliance.

C. DELETIONS

ENTITY	STATUS
Mesa County/Live Water Conservancy District	Project complete or no longer needed

4. That the following additions, modifications, or deletions to the Water Pollution Control Project Eligibility List as defined in section 37-95-103 (13.5) and pursuant to section 37-95-107.6 (4) (c), Colorado Revised Statutes, are adopted:

A. ADDITIONS

ENTITY	BRIEF PROJECT DESCRIPTION
Akron, Town of	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor
Allenspark Water & Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor, biosolids, nonpoint source
Arriba, Town of	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor, green infrastructure, source water protection
Aspen Consolidated Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, reuse

Aurora, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, green infrastructure	Cortez Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, combined sewer overflow, biosolids
Aurora, City of/Pier Point 7 Master Council GID	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Costilla County	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Avondale Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, interconnection, collection, interceptor, green infrastructure, consolidation	Crestview Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Baca Grande Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	DeBeque, Town of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, consolidation
Bailey Water and Sanitation District/Bailey to Conifer	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Dillon Valley Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Bennett, Town of/Union Pacific Railway Project	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, reuse	Edgemont Ranch Metropolitan District	Wastewater treatment system improvements including, but not limited to, treatment plant
Cherry Hills Heights Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	El Rancho Metropolitan District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Cherry Hills Village, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Elbert Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, source water protection, treatment plant, collection, interceptor, combined sewer overflow, biosolids, green infrastructure

Forest Hills Metropolitan District	Wastewater treatment system improvements including, but not limited to, treatment plant	Lafayette, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Fort Morgan, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, green infrastructure, stormwater	Larimer County/CSU Pingree Park	Wastewater treatment system improvements including, but not limited to, treatment plant
Fraser Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Larimer County/River Glen HOA	Wastewater treatment system improvements including, but not limited to, treatment plant, interconnection, collection, interceptor, consolidation
Gilpin County	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Littleton, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Granby, Town of	Wastewater treatment system improvements including, but not limited to, stormwater	Louviers Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor
Granby, Town of/Granby South Service Area	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Mid Valley Metropolitan District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Gypsum, Town of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, biosolids, green infrastructure	Monument, Town of/Lewis Palmer School District 38	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, green infrastructure
Kiowa, Town of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, combined sewer overflow	North Lincoln Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant

Nucia, Town of/Nucia/Naturita Treatment Facility	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, consolidation	Steamboat Springs, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, biosolids, stormwater
Paint Brush Hills Metropolitan District	Wastewater treatment system improvements including, but not limited to, source water protection, consolidation, treatment plant, collection, interceptor	Teller County/Teller County Wastewater Utility	Wastewater treatment system improvements including, but not limited to, treatment plant
Pueblo West Metropolitan District	Wastewater treatment system improvements including, but not limited to, treatment plant, biosolids	Three Lakes Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
Salida, City of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Two Buttes, Town of	Wastewater treatment system improvements including, but not limited to, source water protection, treatment plant, collection, interceptor, green infrastructure
Sedalia Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant, reuse	Two Rivers Metropolitan District	Wastewater treatment system improvements including, but not limited to, treatment plant, biosolids
Snowmass Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Upper Blue Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor, source water protection
South Adams County Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Upper Thompson Sanitation District	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant
St. Mary's Glacier Water and Sanitation District	Wastewater treatment system improvements including, but not limited to, treatment plant, biosolids		

Vilas, Town of	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor, green infrastructure, source water protection	Arapahoe County Water and Wastewater Authority	Project change, adding green infrastructure
Vona, Town of	Wastewater treatment system improvements including, but not limited to, treatment plant, collection, interceptor, combined sewer overflow, green infrastructure, source water protection	Aspen Village Metropolitan District	Project change, adding green infrastructure
Wellington, Town of	Wastewater treatment system improvements including, but not limited to, collection, interceptor, treatment plant	Aspen, City of	Project change, adding reuse
West Jefferson County Metropolitan District	Wastewater treatment system improvements including, but not limited to, treatment plant	Bayfield, Town of	Name change
Woodmen Hills Metropolitan District	Wastewater treatment system improvements including, but not limited to, consolidation, treatment plant, collection, interceptor	Bethune, Town of	Project change, adding green infrastructure, source water protection
		Boone, Town of	Project change, adding green infrastructure, source water protection
		Boulder County/EI Dorado Springs Local Improvement District	Project change, adding green infrastructure
		Brush, City of	Project change, adding stormwater
		Burlington, City of	Project change, adding collection, interceptor
		Campo, Town of	Project change, adding green infrastructure, source water protection
		Cheraw, Town of	Project change, adding green infrastructure, source water protection
		Cheyenne Wells Sanitation District No. 1	Project change, adding green infrastructure, reuse, source water protection, stormwater
		Clifton Sanitation District	Project change, adding green infrastructure, nonpoint source
ENTITY	STATUS		
Aspen Park Metropolitan District	Project change, adding collection, interceptor		

5. That the following projects are hereby modified from the previous Water Pollution Control Project Eligibility List as defined in section 37-95-103 (13.5) and pursuant to section 37-95-107.6 (4) (c), Colorado Revised Statutes, due to name or project change:

B. MODIFICATIONS

Colorado Springs Utilities	Project change, adding collection, interceptor, treatment plant	Georgetown, Town of	Project change, adding source water protection
Conifer Metropolitan District	Project change, adding collection, interceptor	Granada Sanitation District	Project change, adding green infrastructure, source water protection
Crested Butte, Town of	Project change, adding biosolids	Greeley, City of	Project change, adding biosolids
Crook, Town of	Project change, adding source water protection, green infrastructure	Grover, Town of	Project change, adding collection, interceptor
Donala Water and Sanitation District	Project change, adding treatment plant	Haxtun, Town of	Project change, adding stormwater
Durango, City of	Project change, adding green infrastructure	Hudson, Town of	Project change, adding biosolids
Eagle River Water and Sanitation District	Project change, adding biosolids	Idaho Springs, City of	Project change, adding green infrastructure
Erie, Town of	Project change, adding stormwater	Iliff, Town of	Project change, adding green infrastructure
Evergreen Metropolitan District	Project change, adding biosolids	Kit Carson, Town of	Project change, adding green infrastructure, source water protection
Fort Collins, City of	Project change, adding nonpoint source	Las Animas, City of	Project change, adding green infrastructure, stormwater
Fowler, Town of	Project change, adding green infrastructure	Longmont, City of	Project change, adding green infrastructure, biosolids
Gardner Water and Sanitation District	Project change, adding green infrastructure, source water protection	Loveland, City of	Project change, adding green infrastructure, nonpoint source
Genesee Water and Sanitation District	Project change, adding green infrastructure	Manitou Springs, City of	Project change, adding stormwater
Genoa, Town of	Project change, adding green infrastructure, source water protection	Mesa County Lower Valley Public Improvement District	Name change
		Metro Wastewater Reclamation District	Project change, adding consolidation, green infrastructure

Monte Vista, City of	Project change, adding stormwater	Pueblo, City of	Project change, adding green infrastructure, combined sewer overflow
New Castle, Town of	Project change, adding green infrastructure, stormwater	Rangely, Town of	Project change, adding green infrastructure
North Lamar Sanitation District	Project change, adding green infrastructure, source water protection, collection, interceptor, consolidation, interconnection	Rocky Ford, City of	Project change, adding green infrastructure
Northglenn, City of	Project change, adding collection, interceptor	Round Mountain Water and Sanitation District	Project change, adding reuse
Orchard City, Town of	Project change, adding collection, interceptor	Routt County/Hahn's Peak	Project change, adding green infrastructure
Ordway, Town of	Project change, adding green infrastructure, source water protection	Routt County/Milner	Project change, adding collection, interceptor
Pagosa Springs Sanitation, Town of (General Improvement District)	Project change, adding green infrastructure, biosolids	Saguache, Town of	Project change, adding green infrastructure
Palisade, Town of	Project change, adding consolidation, interceptor, collection	Security Sanitation District	Project change, adding collection, interceptor
Palmer Lake Sanitation District	Project change, adding green infrastructure, source water protection	Seibert, Town of	Project change, adding green infrastructure, source water protection, collection, interceptor
Peeetz, Town of	Project change, adding green infrastructure, consolidation	Silver Plume, Town of	Project change, adding green infrastructure, combined sewer overflow
Pemrose Sanitation District	Project change, adding green infrastructure, source water protection	South Durango Sanitation District	Project change, adding green infrastructure
Perry Park Water and Sanitation District	Project change, adding collection, interceptor	South Fork Water and Sanitation District	Project change, adding green infrastructure
		St. Vrain Sanitation District	Project change, adding biosolids
		Sunset Metropolitan District	Project change, adding interconnection

Swink, Town of	Project change, adding green infrastructure, source water protection
Tabernash Meadows Water and Sanitation District	Project change, adding green infrastructure, biosolids
Victor, City of	Project change, adding collection, interceptor
Westminster, City of	Project change, adding combined sewer overflow, green infrastructure
Widefield Water and Sanitation District	Project change, adding green infrastructure, nonpoint source
Wiggins, Town of	Project change, adding biosolids, nonpoint source

6. That the following projects are hereby deleted from the previous Water Pollution Control Project Eligibility List as defined in section 37-95-103 (13.5) and pursuant to section 37-95-107.6 (4) (c), Colorado Revised Statutes, due to completion, funding from other resources, ineligibility for WPCRF assistance, or achieving compliance:

C. DELETIONS

ENTITY	STATUS
Bennett, Town of	Project complete or no longer needed
Clifton Sanitation District No. 2	Project complete or no longer needed
Creede, Town of	Project complete or no longer needed
Delta County/Crawford Mesa Water Association	Project complete or no longer needed

Denver Southeast Suburban Water and Sanitation District/Pinery	Project complete or no longer needed
Denver Water	Project complete or no longer needed
Douglas County/Louviers Mutual Service Co.	Project complete or no longer needed
Florence, City of	Project complete or no longer needed
Hillrose, Town of	Project complete or no longer needed
Littleton/Englewood, Cities of - Littleton/Englewood Wastewater Treatment Plant	Project complete or no longer needed
Platte Canyon School District No. 1	Project complete or no longer needed
Plum Creek Wastewater Authority	Project complete or no longer needed
Thompson Crossing Metropolitan District No. 1	Project complete or no longer needed
Thornton, City of	Project complete or no longer needed

Be It Further Resolved. That this Joint Resolution be presented to the Governor for signature pursuant to sections 37-95-107.6 (4) (b) and 37-95-107.8 (4) (b), Colorado Revised Statutes.

Brandon C. Shafter PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
--	---

Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
---	--

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Prepared in cooperation with the Bureau of Reclamation and the USDA Forest Service

Saltcedar (*Tamarix* spp.) and Russian Olive (*Elaeagnus angustifolia*) in the Western United States— A Report on the State of the Science



Dense, saltcedar-dominated riparian vegetation along the lower Colorado River, California and Arizona. Photo: Patrick B. Shafroth.

The Salt Cedar and Russian Olive Control Demonstration Act of 2006 (Public Law 109–320)

directs the Department of the Interior to submit a report to Congress that includes an assessment of several issues surrounding these two nonnative trees, now dominant components of the vegetation along many rivers in the Western United States. This report was published in 2010 as a U.S. Geological Survey Scientific Investigations Report (available online at <http://pubs.usgs.gov/sir/2009/5247>). The report was produced through a collaborative effort led by the Bureau of Reclamation and U.S. Geological Survey, with critical contributions from the U.S. Department of Agriculture and from university researchers.

The document synthesizes the state of the science and key research needs on the following topics related to management of saltcedar (*Tamarix* spp.) and Russian olive (*Elaeagnus angustifolia*) in the Western United States: their distribution and abundance (extent); the potential for water savings associated with controlling these species; considerations related to wildlife use of saltcedar and Russian olive habitat and restored habitats; methods of control and removal; possible utilization of dead biomass following control and removal; and approaches and challenges associated with site revegetation or restoration. A concluding chapter discusses possible long-term management strategies, potentially useful field-demonstration projects, and a planning process for on-the-ground projects involving removal of saltcedar and Russian olive.

Distribution and Abundance of Saltcedar and Russian Olive in the Western United States

Saltcedar and Russian olive are both broadly distributed throughout the Western United States. An extensive study of native and nonnative riparian plants in riparian areas in the 17 states west of the 100th meridian indicated that saltcedar and Russian olive were the third and fourth most frequently occurring woody riparian plants and the second and fifth most abundant (out of 42 native and nonnative species). The abundance of saltcedar and Russian olive varies across the Western United States; these species can be dominant, codominant, or subdominant relative to native species. Abundance is often determined by environmental factors such as climate, water availability, soil salinity, degree of streamflow regulation, and fire frequency. Habitat suitability maps generated by the National Institute of Invasive Species Science indicate that neither species is currently fully occupying its potential range, suggesting that further spread under current conditions is likely. However, there are



Photograph of mixed riparian vegetation Chinle Wash, Arizona, including native Fremont cottonwood, and nonnative Russian-olive and saltcedar. Photo: Lindsay V. Reynolds.

discrepancies between empirical and modeled distributions of saltcedar because modeled distributions based on habitat characteristics depict potentially suitable habitat for a given species and not its actual distribution. Actual distributions of species are limited by various factors, such as competition with other species, disease, and herbivory, reducing the area that a species actually occupies. Better maps of current distribution and rigorous monitoring of distributional changes through time are needed to resolve differences in predictions of potential future spread.

The Potential for Water Savings Through the Control of Saltcedar and Russian Olive



Tower with micrometeorological and eddy covariance sensors for measuring evapotranspiration of riparian vegetation along the lower Colorado River, California.

Photo: Pamela L. Nagler.

There has been concern for decades that the expansion of nonnative plants such as saltcedar and Russian olive on floodplains has increased water loss by transpiration and thus has reduced river flows and groundwater supplies available for human uses. Contemporary studies of evapotranspiration that use state-of-the-art measurement techniques suggest that mesic native species (for example, cottonwood or willow) transpire about the same or more water than nonnative species. However,

because saltcedar may be able to persist on sites that are higher above the water table and too dry for most mesic native species, saltcedar may increase the areal extent of transpiring vegetation at a site and total transpiration-related water losses. Projects that remove saltcedar and Russian olive with the intention of making more water available for beneficial use by reducing evapotranspiration and increasing flow in streams have produced mixed results. Generating water savings through vegetation removal requires long-term replacement of saltcedar and Russian olive with plant communities that transpire less water than saltcedar or Russian olive (xeric species). This is challenging for many reasons. To date, research and demonstration projects have not shown that it is feasible to save significant amounts of water for consumptive use by controlling saltcedar or Russian olive. Future studies of water savings should be designed at a scale large enough to detect changes to the water budget; they should employ measurement methods of sufficient resolution to detect expected changes; and they should cover all significant variables in and natural variation associated with the local water budget. Further, the variable nature of climate in the Western United States requires that the outcomes of removing invasive plants and installing replacement ground cover be examined over a period of many years to fully understand whether water savings are realized.

Saltcedar and Russian Olive Interactions with Wildlife

Although it has long been assumed that saltcedar and Russian olive negatively affect riparian habitat and wildlife, field studies on arthropods, birds, amphibians, reptiles, and mammals indicate that this is not uniformly the case. Some wildlife species utilize habitat dominated by saltcedar or Russian olive, whereas others depend more on native vegetation. Arthropod diversity is typically higher overall in native compared to non-native vegetation, and arthropod productivity is similar in stands dominated by either native or nonnative species. Saltcedar and Russian olive can have substantial habitat value for a diverse group of birds, particularly generalists. Saltcedar does not provide good habitat for some groups of birds, though, such as timber drillers and cavity nesters. Dense, monospecific stands of saltcedar typically provide much lower quality bird habitat than mixed stands of native vegetation and saltcedar. The Federally listed Southwestern Willow Flycatcher (*Empidonax traillii extimus*) breeds in riparian patches dominated by native trees such as willow (*Salix* spp.), but over half the known breeding sites occur in stands that include saltcedar. Yellow-billed Cuckoos (*Coccyzus americanus*), the western subspecies of which is a candidate for listing under the Federal Endangered Species Act, typically prefer cottonwood-dominated riparian areas for breeding, yet they have been found to breed extensively in the dense saltcedar stands along reaches of the Pecos River in New Mexico (although this population is not considered part of the western subspecies). Many mammals (mainly rodents) utilize saltcedar, Russian olive, and native vegetation, though mammal populations also are influenced by proximity to adjacent, upland habitats. Snakes, lizards, and amphibians utilize mixed stands of cottonwood, saltcedar, and Russian olive, and lizards are not negatively affected by (and may benefit from) the changes in habitat resulting from clearing of nonnative species. Saltcedar and Russian olive control may affect aquatic invertebrate communities by altering the quality and timing of leaf or woody plant material inputs to stream channels. Future research



Prairie lizard (*Sceloporus consobrinus*) in the riparian forest of the middle Rio Grande.
Photo: Heather L. Bateman.



Nest and chicks of the Federally endangered Southwestern Willow Flycatcher (*Empidonax traillii extimus*) in a saltcedar shrub on the Salt River, Arizona.
Photo: M. Zimmerman.

needs related to the effects of nonnative vegetation control and removal on wildlife include the need for more experimental studies that compare the responses of multiple wildlife taxa in (1) saltcedar and Russian olive-invaded habitats compared with native habitats and (2) saltcedar and Russian-olive removal sites compared with both native and nonremoval sites. There is also a need to determine the effects of nonnative species control on thermal regime and structure of habitats. Research on wildlife responses to saltcedar biological control warrants particular attention.

Methods to Control Saltcedar and Russian Olive

Saltcedar and Russian olive may be controlled using biological, mechanical, chemical, and integrated (multiple) approaches. Each approach has associated advantages, disadvantages, risks, methodologies, and costs. Best management approaches (such as integrated pest management) address whole systems and integrate realistic goals and comprehensive strategies for suppression, prevention, revegetation, maintenance, and monitoring of sites following control. Long-term monitoring and follow-up treatment is necessary, as saltcedar and Russian olive may resprout or reinvade sites, or sites may be colonized by other nonnative species following control measures. Stand and site characteristics (for example, plant density, ground and canopy cover, canopy volume and height, crown diameter, stem count and stem diameter, site access) influence how saltcedar responds to control measures and play a major role in determining the most effective treatment (including the equipment specifications and labor needed, the type of inventorying and monitoring that should be performed, and the range and rate of treatment). Costs depend on local circumstances and treatment method. Saltcedar leaf beetles (*Diorhabda elongata* and other related taxa) are proving to be effective biological control agents for saltcedar and have successfully defoliated saltcedar at release sites in Nevada, Utah, Colorado, and Wyoming over the past several years. However, there are concerns with saltcedar biological control, particularly regarding possible effects on wildlife habitat, but also including biomass disposal (as the beetles leave dead woody vegetation in place), possible herbivory of nonhost plants, and possible increased sediment erosion. Understanding the effects of saltcedar biological control on riparian ecosystems (including the potential for water savings and wildlife population responses) is arguably the most pressing need for research and monitoring.

Extraction and Utilization of Saltcedar and Russian Olive Biomass Following Removal

The biomass (wood) removed following control of saltcedar or Russian olive is a resource that may have a variety of uses. Saltcedar wood has promise as a constituent in particleboard and filler in wood-plastic composites used outside for such things as decking, railings, fencing materials, and sign boards. Neither saltcedar nor Russian olive has been used in making wood pellets for heating; however, saltcedar wood can be made into a marketable charcoal that burns at a temperature comparable to mesquite. Saltcedar and Russian olive biomass might be used to produce “bio oil” used in boilers, turbines, and diesel generators to produce heat and power. The wood of saltcedar is similar in density to maple and oak, is rather inelastic relative to hardwood species, but has strength properties typical



Biological control by leaf-eating beetles has resulted in seasonal defoliation of saltcedar in many areas throughout the West, including this stretch of the Colorado River near Moab, UT. Defoliated saltcedar are the rust-colored plants in the midground. Photo: Patrick B. Shafroth.

of hardwood, making it potentially useful for commercial products. The economic feasibility of using saltcedar or other invasive species commercially depends on a variety of factors, including the costs of harvesting and transporting the material, processing (for example, manufacturing wood flour, chips, or pellets), local pricing of plastics and additives, and the availability of manufacturing facilities. Future work on using dead biomass following control of saltcedar or Russian olive could focus on identifying the harvesting, processing, and utilization challenges that might be unique to each species and addressing problems that may arise when both species are present in a given location. More potentially marketable products may be identified by testing the wood properties of saltcedar and Russian olive, and further testing of some products, such as composites, fuel pellets, and bio oil generated from both species is needed.

Restoration and Revegetation Associated with Control of Saltcedar and Russian Olive

Rationales for controlling or eliminating saltcedar and Russian olive are usually based on assumptions that natural recovery or restoration of native plant communities will follow exotic plant removal. However, control and removal of nonnative species alone does not generally constitute restoration, which in this context may be defined as the conversion of



Natural weathering test rack with extruded composite boards manufactured from saltcedar-, juniper-, and pine-wood flours. Saltcedar boards are those with the darkest coloring. Photo: U.S. Forest Service.

saltcedar- and Russian olive-dominated sites to a replacement vegetation type that achieves specific management goals and helps return parts of the system to a desired state. The historic, current, and future hydrologic and geomorphic characteristics of the site, flood-plain soil characteristics, and other physical and ecological factors influence the potential for replacement vegetation to colonize and become established, and they must be considered to develop clear and realistic goals and objectives, help to prioritize sites for restoration, and guide restoration approaches. Often, management actions are necessary to effect this sort of vegetation change. Two general approaches to restoration are “passive” and “active.” Passive approaches (which do not involve active revegetation) include initial invasive species removal, removing or mitigating structures that control channels or flood plains, restoring natural processes such as flooding and associated fluvial processes, or removing stressors that might inhibit native species from becoming established, such as herbivores. Active restoration approaches include site grading, amending the soil, and planting seeds or containerized plants of the desired vegetation. Assessing the outcomes of restoration efforts is crucial and can be accomplished by incorporating experimental components within restoration projects. A commitment to rigorous monitoring over appropriate space and time scales is also necessary. By following the principles of adaptive management, results of such efforts can be used to adjust restoration techniques at a given site and guide efforts at other sites. Future research needs include studies aimed at improving our understanding of which site processes and conditions point to the need for passive versus active restoration approaches. Resource managers need this sort of information to prioritize their restoration activities and make efficient use of limited resources. This may be particularly important in the context of biological control of saltcedar, where the vast areas potentially affected will preclude the widespread application of relatively expensive, active measures.

Demonstration Projects and Long-Term Considerations Associated with Saltcedar and Russian Olive Control and Riparian Restoration

The second phase of *The Salt Cedar and Russian Olive Control Demonstration Act of 2006*, if funded, would allocate funds to demonstration projects that could advance our current understanding of the topics discussed in the other chapters of this report. Many of the information gaps and research needs highlighted in the report could be addressed effectively within the context of carefully designed demonstration projects. However, researchers must recognize the complexity of flood-plain environments across the Western United States and the serious challenge of addressing the many variables that control existing



Active restoration following nonnative species removal commonly involves site manipulation, which can include grading the soil, seeding, or amending the soil, all of which were done on this site along the Rio Grande in Bosque del Apache National Wildlife Refuge, New Mexico. Photo: by Vanessa B. Beauchamp.

nonnative communities. Well-designed demonstration projects that maximize interdisciplinary connections have great potential to expand our knowledge base, facilitate collaboration, and capitalize on the investment.

Conducting demonstration projects within an experimental framework enables successes and failures to inform future control and restoration efforts. The potential for transferable knowledge would be increased by using a study framework that could be applied consistently at multiple sites so that results of different demonstration projects could be compared. Studies in a range of climates, valley types, and geomorphic and hydrologic settings, would produce a better understanding of the benefits of restoration efforts across a range of conditions. Accurate assessments of control and restoration outcomes typically take several years to decades to complete as there can be differences in short- and long-term biological and physical responses. Sustaining long-term control and restoration efforts requires long-term funding commensurate with the monitoring goals and likely time scale of system response. Changes in climate and water management also likely will influence the long-term responses of saltcedar and Russian olive to control and restoration activities.

Although there is considerable information available on the biology, distribution, and ecological effects of saltcedar and Russian olive, not all of the system dynamics are well documented and conflicting viewpoints remain. Information generated from carefully designed and implemented demonstration projects can help fill knowledge gaps and improve management of these critical, freshwater-dependent ecosystems in the Western United States.

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This release can be found in the USGS Newsroom at: <http://www.usgs.gov/newsroom/article.asp?ID=2451>.



News Release

April 28, 2010

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Invasive Saltcedar and Russian Olive Trees Consume Similar Amounts of Water as Native Cottonwoods and Willows, Wildlife Effects Mixed



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(<mailto:cpuckett@usgs.gov>)

Long considered heavy water users and poor wildlife habitat, non-native saltcedar and Russian olive trees that have spread along streams and water bodies in the West may not be as detrimental to wildlife and water availability as believed.

In a U.S. Geological Survey report requested by Congress and released today, scientists conducted a review of the scientific literature to assess the existing state of the science on the distribution and spread, water consumption, and control methods for saltcedar (also called tamarisk) and Russian olive. They also assessed the considerations related to wildlife use and the challenges associated with revegetation and restoration following control efforts.

The report was a collaboration among the USGS, the Bureau of Reclamation, U.S. Forest Service, and other federal agencies and universities to assess and summarize a large number of previously published studies.

One notable finding is that native trees such as cottonwoods and willows along western rivers typically consume as much water as non-native saltcedar and Russian olive. Generally, the report noted, removal of saltcedar from floodplain areas along rivers leads to replacement by other

vegetation that consumes roughly equal amounts of water. Therefore, removal of saltcedar from these areas is unlikely to produce measurable water savings once replacement revegetation becomes established, report authors wrote.



“None of the published studies to date, which include projects removing very large areas of saltcedar, have demonstrated production of significant additional water for human use,” said Curt Brown, Director of Research for the Bureau of

(http://www.usgs.gov/newsroom/images/2010_04_28/RussianOlive.jpg)

Photo of Chinle Wash in Canyon de Chelly National Monument, Arizona, 2005. Nonnative, invasive Russian olive trees (gray-green foliage) are interspersed with invasive saltcedar (dark green shrubs in the shaded area) on the floodplain. Bands of native Fremont cottonwood (bright green trees) grow on the outer margins. Photo © Lindsay Reynolds, Colorado State University. Used with permission. (Click on image for high resolution image)

Reclamation. However, the authors note that saltcedar and Russian olive can also grow on river terraces that are too high and dry for cottonwoods and willows. Some scientists have suggested that, on these sites, revegetation with native dry-site species could save some water for human use. But, the effectiveness of such an approach has not been demonstrated.

Similarly, although it has long been assumed that these non-native trees harm streamside habitat and wildlife productivity, research evaluated in the report indicates this isn’t always true. Many reptiles, amphibians, and birds use habitat dominated by saltcedar and Russian olive. Even the endangered southwestern willow flycatcher frequently breeds in saltcedar stands.

However, according to the report, saltcedar-dominated landscapes do not provide suitable habitat for more specialized birds, such as woodpeckers and birds that live in cavities. Dense tracts of pure saltcedar are typically unfavorable for most wildlife, and the report notes that many birds still prefer native cottonwood or willow habitat. Other negative impacts of dense stands of these introduced species can include impeded access to riverside recreational areas, increased wildfire hazard, and clogging of irrigation ditches.

Saltcedar and Russian olives are now the third and fourth most common streamside plants in 17 western states. The species have been the focus of significant removal efforts along some western rivers, such as the Rio Grande and Pecos River.

Plant removal techniques range from use of herbicides and bulldozers to biological controls such as insects. Once the invasive plants are killed or removed, effective restoration depends on replacing them with plant species that meet the specific goals of the planned restoration, the report said.

“The vegetation that replaces saltcedar following its removal, with or without restoration actions, will influence the quality of wildlife habitat, amount of water use and other ecological conditions,” said Pat Shafroth, a USGS scientist and lead editor of the report.

Site restoration, however, can be challenging and costly, depending on the size of the area and the methods used. Restoring key river processes, such as natural patterns of high and low flows, can help re-establish native vegetation and other important ecosystem features over larger areas than is possible with site-specific restoration, he added.

The authors highlight areas where further study could advance understanding of invasive plant control and restoration, including effects on wildlife habitat and water use. "Research and monitoring could be particularly important in the context of biological control of saltcedar," Shafroth said. "The beetle that has been released for biological control has been defoliating saltcedar and spreading rapidly in some watersheds. We really need to understand the effects of biocontrol on these ecosystems, to better inform river and riparian restoration."

The report provides a summary of the latest science and is expected to be helpful to organizations that undertake the management of saltcedar and Russian olive.

The report, *Saltcedar and Russian Olive Control Demonstration Act Science Assessment*, was completed to fulfill requirements in the Salt Cedar and Russian Olive Control Demonstration Act of 2006 (Public Law 109-320).

The full report, USGS Scientific Investigations Report 2009-5247 (http://www.fort.usgs.gov/Products/Publications/pub_abstract.asp?PubID=22895), is available online along with USGS Fact Sheet 2009-3110 (http://www.fort.usgs.gov/Products/Publications/pub_abstract.asp?PubID=22851) that summarizes the findings.

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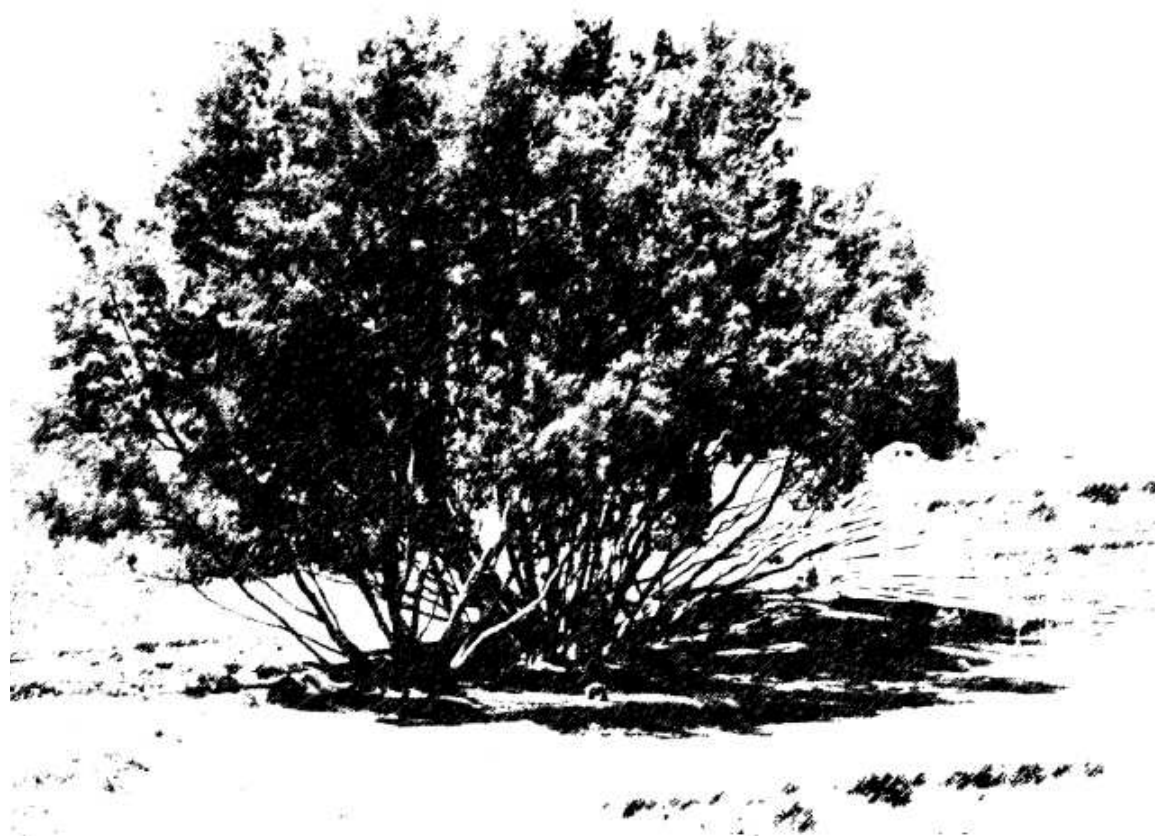


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Digging up saltcedar won't boost water supplies

April 28, 2010 | 8:24 pm



Westerners who'd like to wring more water out of their rivers and streams aren't going to do it by getting rid of saltcedar, a new federal report suggests. [The report](#), released Wednesday, undercuts the long-held perception that the non-native shrub is the vampire of Western watersheds. For decades saltcedar, also called tamarisk, has been known as an invader with a big thirst that sucked water out of

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rivers and depleted aquifers, leaving less for people and livestock.

But an extensive review of scientific studies found that the plant uses about the same amount of water as native trees, such as willows and cottonwoods, and isn't nearly as thirsty as it has been portrayed in popular accounts. "The conclusion, looking across all of the published literature, is that we haven't seen clear evidence of a significant increase in water supply for consumptive human use through the removal of saltcedar," said Curt Brown, one of the report's editors and research director of the U.S. Bureau of Reclamation.

Federal, state and county agencies across the West have uprooted saltcedar in the belief that erasing it from riverbanks would save water. "In the West we're always looking for ways to stretch our water supply," Brown said. "And sometimes it takes a while for the science to catch up with the common belief."

"If the primary interest was in stretching water supply," he added, "there are a number of other ways to conserve and augment water supply ... that are much more reliable and predictable."

Saltcedar has also been considered a threat to wildlife, since it pushes out native vegetation. Though studies have found that some kinds of wildlife don't do well in saltcedar, other species fare just fine.

More than half the known breeding sites for the endangered Southwestern willow flycatcher occur in riparian stands that include the invader. "Studies found no evidence of reduced survivorship or productivity," compared with those nesting in native vegetation, the report says.

Saltcedar was introduced to the U.S. in the late 1800s as an ornamental plant used for erosion control. Dam construction helped the shrub spread across the arid West by changing riverbank conditions. By the 1960s, tamarisk was common along the lower reaches of the Colorado, Rio Grande, Gila and Pecos rivers.

The report, compiled by the U.S. Geological Survey in conjunction with the reclamation bureau and the U.S. Forest Service at the request of Congress, reached a similar conclusion about another common non-native, the Russian olive.

-- Bettina Boxall

Illustration credit: Los Angeles Times

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Archives



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Feds: Tamarisk no thirstier than trees



Henry Dresen, 16, of the Youth Conservation Corps, cuts tamarisk near the Redlands Parkway in this file photo.

By Gary Harmon

Friday, April 30, 2010

The water-swigging tamarisk isn't quite the heavy drinker it's been portrayed to be, the U.S. Geological Survey said.

One finding of a study done at the behest of Congress is that native trees such as cottonwoods and willows consume about as much water from their stands along western streams and rivers as do the nonnative tamarisk and Russian olive, the survey said.

Removal of tamarisk, also called salt cedar, along rivers leaves a void filled by other plants that consume about the same amount of water as tamarisk, the report said.

In sum, the survey said, tamarisk might not be as detrimental to wildlife and water availability as believed.

"None of the published studies to date, which include projects removing very large areas of salt cedar, have demonstrated production of significant additional water for human use," said Curt Brown, director of research for the Bureau of Reclamation.

The finding, though, is unlikely to change the approach to tamarisk in western Colorado, where the Grand Junction-based Tamarisk Coalition already had reached a similar conclusion about the thirst of the plant.

There are plenty of reasons other than water conservation to remove tamarisk, coalition Executive Director Stacy Kolegas said. Removing the plant eliminates a "monoculture of tamarisk" by allowing a variety of plants to take root in former tamarisk stands, Kolegas said.

Tamarisk "does alter the ecosystems that it moves into," Colorado Division of Wildlife spokesman Randy Hampton said. "We have found that replacement of cottonwood stands by tamarisk makes river access more difficult for animals and changes the kind of birds that may utilize an area."

Tamarisk, which was imported to the western United States as an ornamental plant, is unlikely to see its reputation restored by the study.

"People have used tamarisk as the evil water guzzler as a justification and marketing for grant writing," Colorado River Water Conservation District spokesman Chris Treese said. "You'll still see it."

Among its other sins, tamarisk still is a salt accumulator, thus its other name, and that won't be changed by the survey, Treese said.

And the fact remains, Treese said, "You're not going to save Las Vegas by cutting tamarisk."



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Geological study cuts tamarisk a break



This photo of Chinle Wash in Canyon de Chelly National Monument shows the extent to which tamarisk dark green foliage) and Russian olive trees (gray-green foliage) dominate the floodplain. Bands of native Fremont cottonwood (bright green trees) grow on the outer margins.

By Dave Buchanan
Wednesday, May 5, 2010

Tamarisk, a Eurasian transplant that's taken over riparian areas throughout the West and long been disparaged as a water waster and unfriendly to native wildlife, may be getting a small reprieve.

A recent study by the U.S. Geological Service says tamarisk, commonly known as saltcedar, consumes no more water than native plants such as cottonwoods and willows.

Also, the report says tamarisk-dominated landscapes aren't totally inhospitable to wildlife. Reptiles, amphibians and birds, including the endangered southwestern willow flycatcher, use and breed in tamarisk stands.

The report was requested by Congress asking for a review of the scientific literature about tamarisk and Russian olive to assess the impacts, distribution, water consumption and control methods for the two invasive species.

Researchers also assessed the impacts to wildlife use and the challenges associated with revegetation and restoration following control efforts.

When it comes to water consumption, the report noted the removal of tamarisk from floodplain areas along rivers generally leads to replacement by other vegetation that consumes roughly equal amounts of water.

Removing tamarisk might not produce measurable water savings once the replacement vegetation is established.

"None of the published studies to date, which include projects removing very large areas of saltcedar, have demonstrated production of significant additional water for human use," said Curt Brown, director of research for the Bureau of Reclamation.

However, tamarisk and Russian olive also grow on river terraces that are too high and dry for cottonwoods and willows, the report says. According to the reports, some scientists have suggested that revegetation with native dry-site species could save some water for human use. But the effectiveness of such an approach has not been demonstrated, the report says.

Studies looking at wildlife use of tamarisk-dominated landscapes indicate that while tamarisk does support some wildlife, it isn't hospitable to certain specialized species, such as cavity dwelling birds.

"Dense tracts of pure saltcedar are typically unfavorable for most wildlife," the report says, and goes on to note that many birds still prefer native cottonwood or willow habitat.

Other negative impacts of dense stands of tamarisk and Russian olive can include impeded access to riverside recreational areas, increased wildfire hazard and clogging of irrigation ditches, the report says.

According to the Geological Service, tamarisk and Russian olive are now the third and fourth most common streamside plants in 17 western states.

The plant arrived in North America in the 1800s when immigrants from southern Europe or the eastern Mediterranean brought tamarisk to the United States as an ornamental plant. It later was used as windbreaks and to stabilize river banks.

Removing tamarisk includes everything from herbicides and bulldozers to biological controls such as insects. The tamarisk or saltcedar leaf beetle has been used successfully in western Colorado and five other states.

However, scientists emphasize that once the tamarisk is eliminated, the replacement vegetation must be carefully selected.

"Research and monitoring could be particularly important in the context of biological control of saltcedar," Shafroth said.

"The beetle that has been released for biological control has been defoliating saltcedar and spreading rapidly in some watersheds. We really need to understand the effects of biocontrol on these ecosystems, to better inform river and riparian restoration."

Volume 9, No. 18, May 6, 2010

The Independent Weekly Line on Durango

[News](#)[Second Section](#)[Opinion](#)[Classifieds](#)[Contact Us](#)[Search](#)

CoverStory

A tamer view of tamarisk

Study lightens up on the West's most notorious weed

SideStory: [Beetlemania – Tamarisk beetle continues to spread](#)

by **Will Sands**



The “vampire of Western watersheds” may be more bark than bite. New findings indicate tamarisk – the poster child for weeds in the West – is not as harmful to water supplies and wildlife as once believed.

Tamarisk, or saltcedar, is a native of Eurasia introduced to North America by nurseries and originally sold as an attractive, hardy ornamental. Lacking natural predators, the trees spread rampantly from front yards to river corridors and beyond. Since its first introduction, the tenacious plant has seeded itself all over the West, displacing more than 1.6 million acres of willows, cottonwoods and other native vegetation. It is also estimated that each year the thirsty trees consume 2 to 4.5 million acre-feet of water from Western rivers, water that could meet the needs of 20 million people or 1 million acres of irrigated farmland a year.

However, this level of water consumption may not be out of the ordinary, according to a U.S. Geological Survey report released last week. The study indicated that tamarisk, along with Russian olive – a weedy tree plaguing the Animas River watershed – do not consume any more water than the natives they have displaced. The report went on to note that removing tamarisk along rivers can open the door to other vegetation that consumes roughly equal amounts of water. It then went on to draw the conclusion that tamarisk control is unlikely to produce measurable water savings. The findings come as bad news for thirsty downstream states like California and Arizona, who had pinned some hopes on tamarisk removal.

“None of the published studies to date, which include projects removing very large areas of saltcedar, have demonstrated production of significant additional water for human use,” said Curt Brown, Director of Research for the Bureau of Reclamation, a partner in the study.

In addition, research found that stands of tamarisk do not always harm streamside habitat and wildlife



Levi Jamison of the Tamarisk Coalition, sweeps for beetles feeding on Tamarisk Trees on the Dolores River below Gateway last May./Photo by Stephen Eginore

productivity, as was widely believed. The USGS found that many reptiles, amphibians, and birds use tamarisk and Russian olive as habitat. In addition, the endangered southwestern willow flycatcher frequently breeds in tamarisk stands.

The news comes as no big surprise to Stacy Kolegas, executive director of the Grand Junction-based Tamarisk Coalition. The coalition reached similar conclusions in 2008, but counters that tamarisk impacts much more than water supplies.

"It is true that when you replace tamarisk with trees like cottonwoods or willows, you're not going to see a huge water savings," she said. "But there's also a bigger picture here."

Levi Jamison is a biological/mapping technician based in Durango who works with the Tamarisk Coalition. Jamison noted that while water supplies are an economic angle to tamarisk control, there is also an environmental imperative to stop the spread of the tree. Tamarisk is so invasive that it has created a monoculture along many Western waterways, Jamison said, and it has eliminated biodiversity as well as shoreline. In addition, the tree burns hot whether alive or dead and poses a wildfire threat to many Western communities.

"Monotypic stands of tamarisk make for very poor habitat," he said. "Tamarisk is so invasive and grows so densely that nothing else can take root. Monocultures of any kind threaten biological diversity."

In addition, the USGS did find that tamarisk and Russian olive can grow on river terraces that are too high and dry for cottonwoods and willows. Also, there is a possibility that revegetation with native dry-site species could save some water for human use. Pat Shafroth, a USGS scientist and lead editor of the report, noted that specific rehabilitation – while costly – could lead to more downstream flows.

"The vegetation that replaces saltcedar, with or without restoration actions, will influence the quality of wildlife habitat, amount of water use and other ecological conditions," he said.

The Tamarisk Coalition shares the USGS' optimism for a wetter Western future.

"Just making a blanket statement like tamarisk doesn't use more water than native trees doesn't get us anywhere," Kolegas said. "The stands can be replaced by natives like sumac, rabbit brush and grasses. With very careful decision making and rehabilitation, we can get to those original management goals." •

Dear Editor,

Last week, the LA Times ran a story on the recent report by the USGS and Bureau of Reclamation on the impacts of tamarisk (also known as saltcedar) and Russian olive. This report complements a study that the Tamarisk Coalition completed this past December for the seven states that cover the Colorado River Basin including the major water users of Southern CA. Findings from both studies are nearly identical; i.e., tamarisk and Russian olive use about the same amount of water as native phreatophytes, cottonwood and willow. This is not new information – scientists have known this for decades. The bigger issue, identified in both reports, was that deep rooted tamarisk and Russian olive, when growing in the higher terraces of a floodplain, will use more water than dryland species (grasses and native shrubs). Cottonwoods and willows do not grow in these areas because the groundwater is deeper and is not accessible to their shallow root systems. Thus, the greatest opportunity for meaningful water savings will occur on upper terraces within the floodplain where more xeric vegetation is appropriate as replacement vegetation. The photo USGS used on their cover is an excellent example of this exact situation.

What is not known is whether any of this saved water can be recovered. The Tamarisk Coalition is in absolute agreement with USGS that large-scale demonstrations coupled with detailed research are critical to answering this question. In 2006 Congress passed legislation (PL 109-320) with overwhelming bi-partisan support that authorized funding to help answer these types of questions. The Tamarisk Coalition therefore encourages states to pursue carefully designed demonstration projects that can be coordinated with USGS and other scientists.

Both the Tamarisk Coalition and USGS also found similar impacts to wildlife from tamarisk and Russian olive. Effects on wildlife are diverse and depend on the species considered, but again both reports identify that native vegetation provides superior habitat and affords greater biodiversity than do dense stands of tamarisk and Russian olive.

The Tamarisk Coalition supports this research as it can be considered along with other research and site-specific information for restoration and land management decisions.

Tim Carlson P.E.
Research and Policy Director
Tamarisk Coalition
Grand Junction, Colorado

Many of you know Ken or know of his extensive work in the field of restoration ecology, especially with relation to tamarisk and Russian olive. Ken is revered Nation-wide (and no-doubt internationally!) for his work. I highly recommend reading his comments below regarding this assessment.

From: Ken Lair [mailto:kdlair@yahoo.com] **Sent:** Tuesday, May 04, 2010 8:08 PM **To:** Simmons,Shelly; CindyLair **Subject:** RE: [WQ News] The Interior report on saltcedar and Russian Olive trees

This is my view, but based on a lot of field knowledge as well as literature review. If you want more info on ET, water salvage, etc., let me know. Hope you find it useful.

Thanks for passing this along; it is an issue that has been battled for years now, with neither side proving their point effectively because of preconceived and often dogmatic positions. The HB2720 Science Assessment is a timely but nevertheless still tiresome continuation of this. The document is well done and informative, and I'm a co-author on Chapter 7 (Restoration). I was a full participant in this Science Assessment for some time prior to retiring from the BOR, representing the Ecological Sciences and Investigations Group of the BOR's National Technical Service Center (Denver) on both the control and restoration chapters. Pat Shafroth wanted me to remain and be included as a co-author, which was very gracious of him, since I had put so much time into that effort before I retired. The chapter by Scott O'Meara (a former BOR colleague of mine) on control methods was very nicely done as well.

I have attached another "white paper" developed through UC-Santa Cruz and the Tamarisk Coalition (Grand Junction, CO) for the Lower Colorado River in which Dr. Anna Sher (University of Denver, Denver Botanic Gardens) and I co-authored the restoration sections. It provides a little more useful info on water use and salvage.

The HB2720 Science Assessment still reflects USGS, University of Arizona, and upper-level BOR handlers' viewpoints, however, about potential for water salvage. No one has ever disputed that dense cottonwood and willow in mesic (streamside) riparian situations will use as much water as saltcedar. Their narrow focus on this (aka southwestern willow flycatcher habitat) has always tended to exclude and/or denigrate any potential value for water salvage, revegetation, and restoration of wildlife habitat on the arid, saline, upper level terraces and floodplains that are not candidates for cottonwood / willow recovery (i.e., my "specialty" for a number of years).

The sad fact remains that the vast majority of saltcedar-infested riparian acreage in the western U.S. (probably 75% or more) is comprised of this latter condition. This is where real water salvage and habitat improvement could still be obtained long-term on many watersheds, with conversion to shrub-grass communities. They (particularly BOR) refuse to acknowledge or address this fact, because 1) it isn't flycatcher habitat, and 2) it doesn't salvage water "right now" and at identifiable ("point-source") return flow locations that they can tap and quantify. One of our points all along has been that the water salvage white paper developed by BOR as a predecessor to this Science Assessment should NOT only address water salvage for irrigation and hydropower, but should maintain a broader view of the whole issue. There should be a balance in what we report to Congress.

The vast majority of the literature that was synthesized in the Assessment represents (in my opinion) poor science (i.e. the studies on water salvage—the real thrust and import of this whole document by BOR and USGS is water savings), poor technique (few if any efforts at plant community restoration after saltcedar control, allowing secondary weeds / water users to dominate immediately thereafter), poor ecological understanding, grossly insufficient time frames for adequate assessment of impacts, and poor planning. To cite these as "typical" examples of results from saltcedar treatment, and to leave the impression that the same results will occur even when treatment is science-based and well planned, introduces strong bias and inappropriately skews perceptions.

A distinct and unmistakable impression often left for readers and decision-makers is that ALL saltcedar (or phreatophyte) control is typified by full-scale clearing, essentially always leading to bare soil and evaporation equal to prior consumptive use, streambank erosion, and "unstable situations". If saltcedar management is conducted with ecological knowledge of the resource, in concert with sound planning and implementation, water salvage (even with a strict definition) MAY be possible over larger scales of time and space, in addition to prevention of these adverse impacts and generation of other potential benefits.

There are many other scientists and managers who share the view that poor science from decades ago (and not so long ago), and poor understanding of the exact (and limited) field and experimental conditions under which these results were reported, should not be cited as proof of current capability. These scientists and managers, however, were evidently omitted from the consultation and review process for this Assessment.

Thanks for listening.

Ken

Kenneth D. Lair, Ph.D.

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Bill Ritter, Jr.
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Steve Biondo, Finance Section

DATE: May 11, 2010

SUBJECT: **Director's Report, May 18 - 19, 2010, Board Meeting –
Severance Tax Trust Fund Operational Account Recommendations**

After July 1995, one-half of the severance tax receipts credited to the Severance Tax Trust Fund are credited to the Operational Account of the Severance Tax Trust Fund. The programs supported by the Operational Account must promote natural resource planning, management, and development related to minerals, energy, geology, and water.

The General Assembly *may* appropriate funds to the following agencies from the total amount of money in the Operational Account as follows:

Colorado Oil and Gas Conservation Commission	40%
Colorado Geological Survey	20%
Division of Reclamation, Mining and Safety	25%
Colorado Water Conservation Board	5%
Division of Wildlife	5%
Division of Parks and Outdoor Recreation	5%

CWCB requests are reviewed by CWCB and are then forwarded to the state Minerals, Energy and Geology Policy Advisory Board (MEGA Board) for review and approval. MEGA Board recommendations are then forwarded to the Department of Natural Resources (DNR) Executive Director for further review and inclusion in the DNR's annual budget request.

The use of these moneys requires about 15-18 months advance planning. Information about our application process is available on our web site.

In the current Fiscal Year (2009 - 2010), CWCB received requests for funding totaling \$3,389,100; we received \$1,275,500. For Fiscal Year 2010 - 2011, CWCB recommended \$2,404,696 in funding and we expect to receive \$1,275,500. This money is appropriated through the Long Bill.

Part A of this memo summarizes the spending plan for the current Fiscal Year 2009 – 2010.

Part B of this memo summarizes the proposed spending plan for Fiscal Year 2010 – 2011.

Part C of this memo outlines the requests we have received (our application deadline was January 31, 2010) and have reviewed internally to share with the MEGA Board when it meets this year. The proposals have been prioritized due to the limited amount of projected funding. *Depending on the review by the MEGA Board and the DNR Executive Director, these requests may have to be further prioritized and/or reduced.*

Attachment A to this memo details the Severance Tax Distribution Process.

Attachment B to this memo is a list of the Fiscal Year 2011 – 2012 proposed projects and their respective ranking.

A. Current Year Funding Changes

The following table illustrates our current severance tax expenditure plans. Thus far, with a few exceptions, the programs and projects are being implemented as planned.

CWCB – Severance Tax Trust Fund – Operational Account – Fiscal Year 2009 - 2010

Projects	Project Allocation
Water Supply Protection Program	
Intra-State Water Planning	\$ 0
Recreation Project	\$ 50,000
Elkhead Creek Transit Loss Project	\$ 66,000
Water Resource Considerations of Raton Basin CBM Produced Water	\$125,000
Uncompaghre Project Surface Water Irrigation System	\$ 25,000
Finance Program	
Grand Mesa Regional General Permit – Fen and Wetland Project	\$ 75,000
Animas La Plata Marketing Plan	\$ 25,000
Stream and Lake Protection Program	
Meeting Non-consumptive Needs	\$ 75,000
Dolores River Dialogue	\$100,000
ISF Legal Protection Support	\$ 50,000
Water Conservation Planning Program	
Statewide Water Conservation Initiative Project	\$100,000
Water Education	\$ 35,000
Drought Project	\$ 75,000
Flood Protection Program	
Multi-objective Watershed Restoration Projects	\$140,000
Flood Mitigation and Project Compliance	\$ 82,000
NRCS SNOTEL Site Installations	\$ 55,000
Community Assistance Program	\$ 40,000
Platte River Boar Chute Improvement & Vegetation Removal	\$ 49,500
Projects	Project Allocation
Water Information Program	
South Platte Decision Support System	\$ 33,000
Intra-State Water Management Program	
Basin Needs Decision Support System	\$ 50,000
Operating Expenses	\$ 25,000
Total	<u>\$1,275,500</u>

B. Fiscal Year 2010 – 2011 Spending Plan

Below is a list of projects and the allocated funds for Fiscal Year 2010 - 2011. The allocation is based on a presumption that our portion of Severance Tax Revenue from the Operational Account will be limited to \$1,275,500. Our original proposal to spend \$2.4 million was based on past years' five-percent share availability. However, our full five-percent share would be approximately \$1.9 million (after the required 1-year reserve). The Board approved the prioritization of these projects in March 2009.

CWCB – Severance Tax Trust Fund – Operational Account – Fiscal Year 2010 – 2011

Projects	Funding Request	Revised Amounts
Water Supply Protection Program		
Intra-State Water Planning	\$250,000	\$130,500
Adaptive Management of Zebra Mussels	\$ 50,000	\$ 50,000
Recreation Project	\$150,000	\$ 75,000
Tamarisk Bio-Control and Vegetative Response Monitoring	\$ 94,640	\$ 85,000
Streamflow Forecast Improvement Study	\$100,000	\$100,000
Water Development Impacts on Yampa River Streamflow	\$ 70,000	\$ 70,000
Stream and Lake Protection Program		
Stream and Lake Protection Outreach and Education	\$ 10,000	\$ 10,000
ISF Case Management and Legal Protection Support	\$ 60,000	\$ 60,000
Water Conservation Planning Program		
Water Conservation and Drought Mitigation Planning Program	\$100,000	\$ 0
Drought Planning and Water Adaptation	\$100,000	\$100,000
Statewide Water Conservation Initiative Project	\$100,000	\$ 75,000
Water Education	\$ 75,000	\$ 50,000
Estimating the Cost Effectiveness of Water Conservation Programs	\$ 50,000	\$ 0
Flood Protection Program		
Flood Mitigation and Project Compliance	\$250,000	\$150,000
Multi-Objective Watershed Restoration Projects	\$150,000	\$150,000
Hydraulic Analysis of Reconfigured Stream Channels	\$ 98,000	\$ 50,000
Suspended Sediment and Bedload Data Collection Study	\$ 38,070	\$ 0
Projects	Funding Request	Revised Amounts
NRCS SNOTEL Site Installations	\$ 30,000	\$ 30,000
Integrated Evapo-transpiration Monitoring Systems	\$ 49,500	\$ 0
Colorado Community Rain and Hail System	\$ 15,000	\$ 15,000
Mobile Radar Gap Filling Project	\$ 40,000	\$ 0
Community Assistance Program	\$ 40,000	\$ 40,000
Water Information Program		
National Hydrography Stewardship Program	\$ 25,000	\$ 0
Colorado's Virtual Water Matrices	\$ 25,070	\$ 0
Intra-State Water Management Program		
Integration of Land Use Practices and Water Supplies	\$149,416	\$ 0
Interbasin Compact Process Technical Support	\$250,000	\$ 0
Assessing the Relative Costs/Values of New Water Supply Options	\$ 35,000	\$ 35,000
Totals	<u>\$2,404,696</u>	<u>\$1,275,500</u>

C. Fiscal Year 2011 - 2012 Requests

The following is a summary of the requests we received from constituents and developed internally.

Water Supply Protection Program

1. Intra-State Water Planning

Beneficiary/Grantee/Contractor:	CWCB, Various		
Amount of Request:	\$100,000	Ranking:	High

Product Produced: CWCB needs funding to meet immediate needs for planning funds and to provide assistance to local entities related to water planning. This assistance has taken the form of grants that result in water planning products within one year. CWCB is implementing the statewide water supply initiative and is supporting the basin Roundtables. CWCB also has the responsibility to address other water planning needs that emerge during the fiscal year, but for which no other funding source is available. These funds are also used, in part, to help local entities meet immediate needs and to plan for the future. The funds are also used to get cooperative efforts “off-the-ground.”

Water Planning Relationship: The Statewide Water Supply Initiative (SWSI) process highlighted the need for funds to support local planning efforts. This need is expected to continue.

Recommendation: Staff gives a high recommendation to funding of this project because the information produced and made available will provide a consistent, factual basis for local and statewide water planning efforts.

2. Recreation Project

Beneficiary/Grantee/Contractor:	CWCB, Various		
Amount of Request:	\$80,000	Ranking:	High

Product Produced: The products produced will include: 1) data collection related to recreational issues that have effects on the State’s ability to fully use its compact entitlements; 2) recreational studies or design work related to improving existing diversions that impact recreation, or improving in-channel diversions that are not operating in a safe and efficient manner; 3) design drawings for communities that seek to build a Recreational In-Channel Diversion (RICD) that promotes maximum utilization and that allows Colorado to fully use its compact entitlements; 4) construction of RICD structures that promote maximum utilization, prevent flooding, and allow Colorado to fully use its compact entitlements; and/or, 5) work associated with potential litigation support to the extent that an RICD water right application is filed that does not promote maximum utilization or the ability of Colorado to fully use its compact entitlements.

Water Planning Relationship: Recreational use of water is becoming increasingly important to local communities and the State. Wild and scenic rivers and RICD water rights, and the structures themselves, affect water planning in many important ways. The statutes and CWCB’s policies on recreational use of water and on RICD’s demonstrate a need to ensure compliance by local communities and to help protect Colorado’s compact entitlements and to assure maximum utilization of Colorado’s water resources. To the extent that recreational uses of water and RICD structures are designed and constructed in a manner that promotes maximum utilization of Colorado’s water resources and that allows Colorado to fully use its compact entitlements, then CWCB’s missions are being fulfilled.

Recommendation: Staff gives a high recommendation to this project because the funding will help to enhance compliance with the goals of maximum utilization of water resources and promoting non-consumptive uses within Colorado, in an appropriate manner.

3. Upper Black Squirrel Creek Ground Water Model

Beneficiary/Grantee/Contractor: Local Water Users, Upper Black Squirrel Creek Designated Ground Water Management District, Martin and Wood Water Consultants

Amount of Request: \$137,000

Ranking: High

Product Produced: This study will develop a reliable assessment tool in the form of a numerical three-dimensional groundwater flow model that can be utilized to better understand and manage the Upper Black Squirrel Creek alluvial aquifer. The work envisioned will include data development and analysis relating to the hydrology of the basin, the basin lateral extents, the hydrogeological characteristics, the nature and magnitude of the alluvial underflow, the volume of water in alluvial storage, the levels of well pumping, estimated annual recharge to the alluvial aquifer, and the net water balance. All of the data collection and analysis is aimed at development of a model that can be used as a tool to assess the impact of various projects and natural cycles within the basin.

Water Planning Relationship: The model will be used as a tool to assist with reliable and responsible long-term management of the water resources of the basin so as to provide the maximum benefit to all the users within the basin. It will assist in the efficient use of the resource, aid in drought planning, and be used as an administrative tool with the goal of maximizing cooperative and equitable water use in the basin.

Recommendation: Staff gives a high recommendation to this project because it will serve as a valuable tool that will significantly increase the understanding of the basin hydrogeology and that will be extremely helpful in managing the limited water resource to enhance the most efficient and sustainable use.

4. El Paso County Groundwater Quality Study

Beneficiary/Grantee/Contractor: Local Water Users, El Paso County Commissioners, Colorado Geological Survey

Amount of Request: \$60,000

Ranking: Medium

Product Produced: This project would involve installation of a groundwater quality monitoring network which after several additional years of data collection would allow local governments to consider the need for additional land use regulations to protect groundwater resources.

Water Planning Relationship: Regulations, if necessary and adopted, would protect a limited and intensely used local water resource.

Recommendation: Staff gives a medium recommendation to funding for this study because groundwater quality protection is not a core function of the CWCB, and other non-CWCB funding sources would be more appropriate for this type of work.

5. TSTool Software Enhancements for Water Providers and Users

Beneficiary/Grantee/Contractor: Statewide, Riverside Technology, Inc.

Amount of Request: \$60,000

Ranking: Medium

Product Produced: Enhancement of existing Decision Support System (DSS) data management tools to allow the public to obtain, view and analyze federally-produced water data (i.e. USGS, NRCS, USDA) along with data already available through the DSS.

Water Planning Relationship: Provide the public with increased ability to view and use water data from more sources for water management and planning.

Recommendation: Staff gives a medium recommendation to this project because of other high priorities this year. This enhancement would be a valuable addition to the DSS framework and may be funded in future years through severance tax funding or through DSS funding.

6. Recent Trends in Dust Deposition to Snowpacks in the Rocky Mountains: Influence

Beneficiary/Grantee/Contractor: Statewide, USGS
Amount of Request: \$100,000 **Ranking:** Medium

Product Produced: Analysis of dust deposition in the Rocky Mountains in recent years and its estimated impact on snowmelt runoff timing.

Water Planning Relationship: Recent studies have indicated that dust deposition may be influencing snowmelt runoff timing in the Rocky Mountains. Earlier snowmelt runoff affects water management throughout the state and better understanding of the causes and trends could help water managers plan for the future.

Recommendation: Staff gives a medium recommendation to this project because of possible duplication with existing studies and tight competition for funding this year.

7. Crop Coefficients for Alfalfa Grown in the Arkansas Valley

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$75,000 **Ranking:** High

Product Produced: The project will provide another full year of alfalfa crop data using the two lysimeters at the CSU Rocky Ford research station in 2011. This would be the first full year of simultaneous use of both lysimeters with an established alfalfa crop on each. This data will be an important part of calibrating the two lysimeters before introducing new crops for study in future years.

Water Planning Relationship: The project would continue lysimeter research begun using the Board's litigation fund to get more accurate crop coefficients for use in predicting and determining crop consumptive use for Compact compliance purposes and for inclusion in the proposed Arkansas DSS, and perhaps for application in other areas of the State as well.

Recommendation: Staff gives a high recommendation to this project because of its importance to ongoing Arkansas River Compact compliance issues and the need for enhanced crop consumptive use estimates in the Arkansas Basin and statewide.

Finance Program

1. Grand Mesa Regional General Permit (RGP) – Fen and Wetlands Project

Beneficiary/Grantee/Contractor: Statewide, CWCB, Open
Amount of Request: \$175,000 **Ranking:** High

Product Produced: This funding will allow CWCB to continue to support the efforts of reservoir owners on the Grand Mesa to successfully complete a Regional General Permit (RGP). The water on the Grand Mesa is protected by the Clean Water Act administered by the U. S. Army Corps of Engineers' (COE) and many of the reservoirs are located on U. S. Forest Service lands. Permits from both agencies (as well as other Federal, state, and local agencies) are usually required. An RGP will provide a more predictable and efficient permit for maintaining and improving the water supply facilities on the Grand Mesa. An RGP is a type of permit developed by the COE that is issued regionally for a common category of activity-specific projects.

Water Planning Relationship: Over the past 5 years the CWCB has approved loans to a number of water users on the Grand Mesa for reservoir rehabilitation (i.e. Bull Creek No. 4, Overland, Granby No. 12. etc). These various reservoir projects have encountered considerable delays and expenditures to address high altitude wetlands/fens associated with permitting requirements. There are over 300 active reservoirs on the Grand Mesa, which have considerable value to the surrounding communities and agricultural users. Several of these reservoirs were constructed in the early 1900's and are restricted by the State Engineer's Office or are in need of general maintenance and repair. Under the current COE permitting process, the ability of the various water users to address these repairs has been severely impacted due to permitting costs and delays.

Recommendation: Staff gives a high recommendation to funding for this project because it would provide continued funding of the RGP effort and assist the water users on the Grand Mesa by providing a cost effective permit to preserve their water decrees.

2. Cooperative Re-timing and Augmentation Enhancement Project

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	High
Amount of Request:	\$150,000		

Product Produced: This study would be a cooperative or collaborative effort between Irrigation Districts, companies or other various water users of the South Platte, to evaluate the potential benefits of re-timing existing augmentation plans to increase water availability and efficiency. In addition, this study would also evaluate the potential use of the Orphan Wells of Wiggins Augmentation Project, in various re-timing scenarios, which was funded by the CWCB Loan Program, but is currently experiencing difficulties in meeting its loan obligation.

Water Planning Relationship: CWCB over the past decade has financed a number of augmentation projects along the South Platte, from I-25 to the State Line. Providing assistance to increase water availability and efficiency for augmentation projects, through creative re-timing measures, would benefit the basin as a whole and would improve CWCB loan collateral where CWCB financing is involved. Efforts in this area are currently underway and could be further supported with additional funding.

Recommendation: Staff gives a high recommendation to funding for this project because of its importance to local water planning efforts.

3. Public and Private Pilot Reservoir Rehabilitation and Storage Enhancement Project

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	Medium
Amount of Request:	\$75,000		

Product Produced: This project would expand on the Restricted Reservoir Evaluation Study, conducted in 2008, that evaluated 15 restricted reservoirs across the state that could be potential candidates for a public/private partnership in reclaiming lost storage. The Public/Private Reservoir Enhancement Project would select one of those reservoirs from the previous study and investigate in detail the roadblocks and solutions in making a public/private reservoir storage enhancement project a reality. The items to be investigated would be statutory limitations and/or modifications, legal issues, funding options, ownership issues, maintenance and operations, etc.

Water Planning Relationship: CWCB has provided financing for reservoir rehabilitation projects throughout the state for almost 40 years. There are a large number of reservoirs throughout the state that have storage restrictions imposed by SEO due to various deficiencies. In some cases, the reservoir owner does not have the financial capability to rehabilitate the reservoir and remove the SEO restriction. Therefore, there are certain instances, as described in the Restricted Reservoir Evaluation Study, where the state could provide financial assistance in exchange for a percentage of the water/storage that is reclaimed. The water benefit potentially received by the state could be used for endangered species, instream flows, or compact compliance and put to use through private/public relationship.

Recommendation: Staff gives a medium recommendation to funding for this project because of the limited funding available.

Stream and Lake Protection Program

1. Instream Flow Program Case Management Support

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	High
Amount of Request:	\$50,000		

Product Produced: CWCB is a party in over 175 active water court cases. Stream and Lake Protection Section staff is responsible for protecting CWCB's water rights in these cases, or for obtaining a change of acquired water right to ISF use. This is accomplished by reviewing each court applicant's engineering and proposed rulings, and developing protective terms and conditions to be included in the resulting stipulation and decree. One staff member is responsible for (1) keeping track of and prioritizing review of all pending cases in coordination with the Section's engineer, (2) coordinating with the Attorney General's Office on meeting court deadlines and developing settlement and/or litigation strategies, (3) negotiating protective terms and conditions, (4) keeping case files organized and up to date, (5) maintaining the Section's electronic case database, (6) preparing various documents and presentations for Board meetings, and (6) numerous other substantive and clerical duties related to water court litigation. The same staff member also is responsible for the ISF Water Acquisition Program. Due to the need to fulfill all of these responsibilities, staff frequently falls behind in responding to requests for comments on proposed court rulings, which can result in water court cases taking longer to be finalized and costing more for all parties involved. Using this funding, the Section will retain a part-time paralegal to assist the Section with ISF case management, including organizing case files, tracking court deadlines, prioritizing case review, and drafting pleadings, memos, correspondence and other documents as appropriate. This project will enable staff to focus on the more substantive duties and resolve more cases in a timely manner.

Water Planning Relationship: This project will enable CWCB staff to resolve water court cases more quickly and effectively, resulting in both savings and certainty to local water providers and other water users, many of which are located in areas impacted by energy and mineral development. Additionally, finalization of CWCB's change of water rights applications contribute toward meeting the State's nonconsumptive water needs.

Recommendation: Staff gives a high recommendation to funding for this project because of its importance to local water planning efforts and the direct tie to the ISF Strategic Plan.

2. Decades Down the Road II – Instream Flow Programs in The West Revisited

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	Medium
Amount of Request:	\$10,000		

Product Produced: In 2004, CWCB commissioned a study to compare and contrast the various approaches used by Western states to accomplish instream flow protection. Subsequent to the study's completion in 2005, many Western States continued to implement new legislative and intuitional changes to strengthen their programs. In fact, Colorado recently drafted new legislation that provided funding for acquisitions and new mechanisms that enabled farmers, ranchers and others to participate in the ISF Program. In addition, controversy continues to increase as water resources are stretched thin and States try to address both their consumptive and non-consumptive needs. In many cases, the Federal government gets involved to address stream flows on federal lands for wilderness and/or Wild and Scenic River protection.

This study will update the 2004 study with new information on instream flow programs in the West, and will compare and contrast those programs with Colorado's updated program. In addition, this revised study will put additional emphasis on the interaction between the States and the Federal government to address ISF

protection. In doing so, it will also survey the outcome of Federal actions that result from instream programs that are deemed insufficient to meet stream needs.

Water Planning Relationship: This study will help to address the overall efficacy of Colorado’s Instream Flow and Natural Lake Level Program, which will aid local water planning efforts as stakeholders attempt to balance consumptive and non-consumptive needs into the future. It will be especially important in addressing questions regarding the consequences of programs that do not achieve the resource protection goals of Federal agencies, particularly in the context of declining native fish species.

Recommendation: Staff gives a medium recommendation to funding for this project because of limited funding availability.

3. Native Warm Water Fish in the Dolores River: Laying the Foundation for a Comprehensive Adaptive Management and Conservation Strategy

Beneficiary/Grantee/Contractor: Dolores River Dialogue, Dolores Water Conservancy District
Amount of Request: \$75,000 **Ranking:** Medium

Product Produced: Three products will be produced, which together will lay the foundation for the adoption and implementation of a comprehensive adaptive management and conservation program for the warm water fishery in the Lower Dolores River. Work on these products would be fully coordinated with the Colorado Division of Wildlife’s research efforts and needs on the Dolores, and would also seek to involve the expertise and address the goals of the U.S. Fish and Wildlife Service. They are:

- 1) *An Assessment of the Warm Water Fishery on the Lower Dolores River.* This baseline assessment would include an evaluation of all existing data to determine the status and trends of the three native fish populations and non-native fish populations, as well as the distribution and habitat use by life stage of warm water fish from McPhee Dam to the confluence with the Colorado River.
- 2) *Conservation Strategy for the Native Warm Water Fishery on the Lower Dolores River.* This product would include refinement of sampling techniques, particularly low-water, deep pool, canyon reach sampling methodologies, and address challenges around consistency, sensitivity, and rigor.
- 3) *A Strategy and Protocols for the Effective Control of Non-native Warm Water Fish on the Lower Dolores River.* Non-native fish compete with and prey on native fish and may be a major impediment to maintaining and improving native fish populations on the Dolores River. There is currently no comprehensive program aimed at controlling non-native fish in the Lower Dolores River.

Water Planning Relationship: The native warm water fishery in the Dolores River below McPhee Reservoir includes three species found to be declining throughout the Colorado River Basin: the Bluehead Sucker, Flannemouth Sucker, and the Roundtail Chub (Bezzarides and Bestgen 2002). In 2006, the increasing level of regional concern for these fish species prompted Colorado, Utah, Wyoming, Nevada, Arizona and New Mexico to develop a “Rangewide Conservation Agreement and Strategy for the Roundtail Chub, Flannemouth Sucker and Bluehead Sucker.” The Colorado Division of Wildlife is currently in the process of developing a Conservation Strategy for these three native species. By developing an adaptive management and conservation program, water resources in the basin can be effectively managed to meet both human and environmental needs.

Recommendation: Staff gives a medium recommendation to funding for this project because of limited funding availability and potential overlap with work being done by the Colorado Division of Wildlife.

4. Alamosa River Instream Flow Project

Beneficiary/Grantee/Contractor: Local Water Users, Alamosa Riverkeepers
Amount of Request: \$100,000 **Ranking:** High

Product Produced: The Alamosa River Instream Flow Project is a two-phased, grass-roots effort led by Alamosa Riverkeepers and Terrace Irrigation Company. Phase I includes purchasing senior irrigation water rights, transferring the water rights to the CWCB, changing the use in water court to instream flow use, and designing the spillway improvements to Terrace Reservoir. Phase II involves reconstructing the Terrace Reservoir spillway, storing the acquired water rights in the reservoir, and releasing the water in early fall and early winter for instream flow use.

The Alamosa River Watershed Restoration Master Plan and Environmental Assessment (Master Plan) was funded by the Natural Resource Damage Settlement (NRDS) to ensure that the monies recovered from the litigation settlement would be used to “comprehensively addresses the restoration needs of the Alamosa River watershed and is implemented in a manner that is fully and consistently integrated into existing and future Alamosa River projects and the Summitville CERCLA cleanup remedy.”

Water Planning Relationship: The Alamosa Instream Flow Project is one of the key projects identified in the Alamosa River Watershed Restoration Master Plan. Additionally, instream flow use of the acquired water rights will help protect senior water rights by recharging and helping to stabilize the confined aquifer as contemplated by Senate Bill 04-222.

Recommendation: Staff gives a high recommendation to funding for this project because of its importance to local water planning efforts and its direct connection with impacts of mineral development in Colorado.

Water Conservation Planning Program

1. A Spatial Approach to Modeling and Monitoring Drought Hazard and Risk

Beneficiary/Grantee/Contractor:	Local Water Users, AMEC Earth and Environment	
Amount of Request:	\$142,000	Ranking: Medium

Product Produced: A time series of METRIC images for the South Platte leading into and through the 2002 drought period with extracted data and a developed process to model, map and monitor drought hazard.

Water Planning Relationship: A Spatial Approach to Modeling and Monitoring Drought Hazard and Risk project proposes fully developing and using this approach by processing a time series of METRIC images for the South Platte leading into and through the 2002 drought period. The ET, soil moisture and crop stress information extracted from this data will then be used to define processes to model, map and monitor drought hazard, and to better model drought risk to agricultural fields and rangeland by correlating spatially and temporally variable patterns of drought with agricultural practice and losses suffered during the drought period. This approach has great potential to inform drought planning and management activities currently being undertaken by CWCB, support water conservation efforts by practitioners of limited irrigation agriculture, and can also contribute to the SPDSS by providing a physically-based alternative to estimating crop consumptive use of water, and also by utilizing SPDSS in drought assessment by utilizing crop classification data.

Recommendation: Staff gives a medium recommendation for funding of this project because the completion of other CWCB studies prior to the initiation of this study may help to better refine and inform the proposed effort.

2. Drought Mitigation and Response Implementation

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	
Amount of Request:	\$150,000	Ranking: High

Product Produced: The creation of an improved safety net for dealing with drought throughout Colorado.

Water Planning Relationship: The Drought Mitigation and Response Implementation project seeks funds to implement the recommendations of the revised Drought Mitigation and Response Plan that will help the state 1) reduce vulnerability to drought, 2) better monitor drought to insure prompt and timely response to drought, and 3) otherwise improve statewide mitigation and response to drought. To do this CWCB will work with other state agencies and statewide organizations that have a stake in reducing drought impacts and improving monitoring and response.

Recommendation: Staff gives a high recommendation to the funding of this project because of its importance to local water planning efforts as well as the State's initiatives and efforts to better prepare, monitor and mitigate for and against drought. These efforts are intended to help reduce the economic, environmental and social impacts experienced during times of drought.

3. Statewide Gallons per Capita per Day (GPCD) Methodology Standardization Feasibility Study

Beneficiary/Grantee/Contractor: Statewide, CWCB, Open
Amount of Request: \$75,000 **Ranking:** High

Product Produced: GPCD is a means of comparing water use across water providers and predicting future demand. The purpose of this project will be to 1) Assess other Western states' attempts at standardizing GPCD methodology, specifically the State of New Mexico's efforts; 2) Determine what is involved in developing a standardized GPCD methodology in Colorado taking into consideration different water provider types and varying water sources; and 3) A report will be generated documenting the full efforts of other Western states including issues, opportunities and the relevancy of this process to Colorado.

Water Planning Relationship: Assessing the feasibility of developing a consistent GPCD methodology for Colorado will assist local planning efforts in determining more accurate future demand levels as well as assisting the ongoing SWSI efforts to determine more accurate statewide future demand levels utilizing GPCD numbers.

Recommendation: Staff gives a high recommendation to the funding of this project because there are no standards on how water providers develop GPCD numbers at present time and this project will assist CWCB to better predict future water demands through a refined GPCD metric.

4. Local Water Conservation Resource Planning Tools

Beneficiary/Grantee/Contractor: Statewide, CWCB, Open
Amount of Request: \$75,000 **Ranking:** High

Product Produced: The purpose of this project is to create program tools and resources to help water providers 1) Assess appropriate conservation oriented rate structures for their service area and best practices to attain an effective conservation oriented rate structure, and 2) Assess appropriate indoor fixture strategies based on amount of existing customers vs. new customers, technological efficiencies and codes and ordinances. These water conservation planning tools will help water providers make better decisions regarding appropriate water conservation measures.

Water Planning Relationship: This project directly helps local water conservation planning by creating tools for water providers to better inform their conservation planning efforts. Better planning efforts will yield more accurate water conservation savings estimates thus creating more accurate future demand numbers. In this way, better local planning will inform more accurate statewide future demand estimates.

Recommendation: Staff gives a high recommendation to the funding of this project because water providers require more sophisticated water conservation planning tools to determine the appropriate mix of programs for their situation. As more water providers implement water conservation programs, additional support tools are needed to guide water conservation implementation choices that have favorable cost-benefit ratios for water providers and their customers.

5. The Colorado Agricultural Meteorological Network (CoAgMet): Monitoring evapotranspiration and other key elements of Colorado's climate.

Beneficiary/Grantee/Contractor: Statewide, CSU, Colorado Climate Center
Amount of Request: \$50,000 **Ranking:** High

Product Produced: Develop a system and motivation for collaboration to support the collection of excellent statewide weather, climate and evapotranspiration data through the Colorado Agricultural Meteorological Network (CoAgMet).

Water Planning Relationship: CoAgMet is the sole statewide source of detailed hourly meteorological measurements of essential climate information from Colorado's principal crop growing areas. Measurements include temperature, humidity, precipitation, wind, solar radiation and soil temperature data and are used as input to models that compute and estimate evapotranspiration/consumptive use. There has already been an investment of over \$1 million in the creation and expansion of CoAgMet. Now it is essential that we leverage this investment to maintain ongoing quality data collection, perform essential maintenance and instrument calibration, and provide easy access to these data. This information is essential for detecting spatial variations and regional changes in climate conditions affecting the availability and conservation of water resources in Colorado.

Recommendation: Staff gives a high recommendation for funding of this project because it leverages efforts by the state to improve drought monitoring, mitigation and response efforts and may inform adaptation efforts under potential future climate change. It also utilizes and supports the states only system of detailed hourly meteorological data.

6. Climate Change and Colorado's Prior Appropriation Doctrine

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$35,000 **Ranking:** Medium

Product Produced: Adaptation to existing economic-water resource equilibrium displacement model designed for Colorado and collaboration with water experts for application of prior appropriation under climate change scenarios. Final report will detail the results.

Water Planning Relationship: Water scarcity will increase in Colorado under scenarios depicted by climate models. With water resources already over-appropriated, water conflicts are likely to arise. This study provides stakeholders with an assessment of how the prior appropriations doctrine will allocate resources under climate change scenarios with specific emphasis on increasing consumptive use and the change in timing of water flows.

Recommendation: Staff gives a medium recommendation for funding of this project due to possible duplication of efforts with other ongoing studies.

7. Penetration and Permanence of Municipal Conservation Measures

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$35,000 **Ranking:** High

Product Produced: The purpose of this study is to better understand the efficacy and permanence of conservation tools that shape urban water demand. The study's results will help municipal water providers target conservation practices that provide the greatest marginal benefit and emphasize groups most/least likely to adopt these practices. Results will inform demand forecasting that guides water acquisition.

Water Planning Relationship: Examining the efficacy and permanence of water conservation savings directly relates to the planned demand reductions projected by water providers. Understanding what can be counted on in terms of demand reductions through water conservation is critical to predicting future demand levels statewide.

Recommendation: Staff gives a high recommendation for funding of this project because it is imperative to understand the difference between long term water conservation savings and short term drought savings. Permanency in water savings versus temporary savings due to drought is unknown at this time and will influence future statewide supply and demand projections.

Flood Protection Program

1. CWCB Flood Mitigation and Project Compliance – Statewide

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	High
Amount of Request:	\$100,000		

Product Produced: The focus of this work will be to address local requests as well as identification and design of projects that can be implemented or upgraded to reduce the flood risk. The funding will be used to provide a means of cost-sharing with local entities and other agencies to accomplish the much needed work. Cost-sharing will be emphasized when practical to leverage the funds. In some cases, some financial assistance may be provided to smaller communities to perform required one-time maintenance activities for regulatory purposes provided that the local governments and other entities benefiting from the project expend as many local resources as available to perform the work.

Water Planning Relationship: CWCB has identified a substantial need for identification of deficiencies to flood mitigation projects throughout Colorado. The best example of the use of these funds is the current nationwide focus on the condition of levees, which has already impacted some Colorado communities and is expected to impact many more in the coming years. Many of these levees and other flood control/mitigation projects are located in small or impoverished communities throughout the state that are in need of both technical and, in some cases, financial assistance. Funds from this program will be used to develop solutions to bring these projects back into technical or regulatory compliance.

Recommendation: Staff gives a high recommendation for funding of this project because flood protection infrastructure around the state is getting older and in need of maintenance and improvement. A small amount of funds can be leveraged with funds from local governments and other state and federal agencies to accomplish this work in a manner that is cost efficient to the State.

2. Multi-Objective Watershed Restoration Projects

Beneficiary/Grantee/Contractor:	Statewide, CWCB, Open	Ranking:	High
Amount of Request:	\$150,000		

Product Produced: This project will provide funding to allow CWCB to support 6 to 8 Multi-Objective Watershed Restoration Planning Studies or Projects, with an emphasis on watershed restoration efforts, in watersheds throughout Colorado. In the past, CWCB's Watershed Restoration Program has funded studies in the Fountain Creek Watershed, in the Coal Creek watershed in and around Crested Butte, in the Lake Fork Watershed near Leadville, in the Gunnison River watershed in and around Gunnison, and the Ski Creek Watershed on Pikes Peak. These studies have addressed issues of mining impacts, water supply, streambank instability, and flood hazards. Using GIS and various hydraulic and hydrologic engineering tools, the studies have identified current watershed problems, causes of those problems, and strategies for addressing the problems in a short-term and long-term manner. The Statewide Water Supply Initiative (SWSI) has called for watershed restoration efforts to be combined with water supply projects, and this program can help meet that goal. Several watershed plans have been completed throughout the State. These watersheds are now entering

the project phase of their watershed restoration efforts. This funding will support project prioritization and implementation efforts in watersheds that have completed planning phases.

The Colorado Healthy Rivers Fund Tax Check-off Program has identified numerous watersheds where local watershed groups are working to address a variety of watershed issues. The Healthy Rivers Fund generally does not have sufficient funds to award grants to all applicants. CWCB proposes to start with the list of unfunded applicants, with other watershed groups that have contacted CWCB about potential funding for watershed restoration planning and project activities, and with potential SWSI projects.

Water Planning Relationship: This program is statewide in nature and is intended to assist in meeting watershed restoration needs throughout Colorado. The specific candidate watersheds for this project will be derived from local applications and expressions of interest and from the list of potential SWSI projects. The purpose of each individual effort will explicitly address local watershed planning and project needs. CWCB will provide technical and administrative support to further local efforts (including SWSI efforts) that are already underway. To the fullest extent possible, these local efforts will emphasize watershed restoration needs.

Recommendation: Staff gives a high recommendation for funding of this project because it is another high priority within the CWCB Watershed Protection & Flood Mitigation Section. Much success has already been achieved in the past few years on watershed restoration projects (Roaring Fork River, Mancos River, Rio Grande, and others) with similar projects.

3. Hydraulic Analysis of the Hartland Dam Fish Passage

Beneficiary/Grantee/Contractor: Native Fish, USGS

Amount of Request: \$68,000

Ranking: Low

Product Produced: Hartland Dam was constructed on the Gunnison River in 1881, effectively blocking native fish from reaching habitat in upstream reaches of the Gunnison River mainstem and the North Fork of the Gunnison. These fish include the Flannelmouth Sucker, the Bluehead Sucker, and the Roundtail Chub. Recently, modifications to the dam have been proposed and a preliminary design has been drafted that would create a fish passage and safer boating options through the dam while maintaining the function of the nearby Hartland Ditch diversion structure.

The proposed study will use the U.S. Geological Survey (USGS) multi-dimensional surface-water model system (MD_SWMS) to simulate hydraulic conditions in the designed fish passage under a range of discharges. Hydraulic conditions in the fish passage (flow depth, velocity, and shear stress) will be evaluated in the context of habitat needs and limitations of the native fish. Results of the surface-water model will enable the project engineers and resource managers to determine whether the designed fish passage will function as planned, thus reopening many miles of native fish habitat in the Gunnison River watershed.

The proposed 1-year funding will be used to collect the necessary geomorphic and stream flow data to calibrate and run the MD_SWMS model and interpret the simulations. Results will be published in a peer-reviewed paper. The study will increase the applicability of the MD_SWMS surface-water model to other river impoundments and structures.

Water Planning Relationship: The proposed study, and the ongoing USGS RCMAP project that the proposed study compliments, are designed to provide information to resource managers, planners, and designers on the effectiveness and durability of channel restoration techniques used for stream rehabilitation, sediment management, and flood protection. The proposed study increases the geomorphic range of applicability of the RCMAP, and evaluates reconfigured channel hydraulic conditions with a multi-dimensional surface-water model (MD_SWMS) developed by USGS.

Recommendation: Staff gives a low recommendation for funding because the Hartland Dam reconstruction will be complete before the money for this project will be available. This eliminates the

possibility of a pre-construction survey. The Hartland Dam Project is funded through the Fish and Wildlife Service and the CWCB Fish and Wildlife Resources Fund. The Fish and Wildlife Service will be monitoring the project.

4. Hydraulic Analysis of the Lake Fork Channel Rehabilitation

Beneficiary/Grantee/Contractor: Local Water Users, USGS
Amount of Request: \$98,000 **Ranking:** Medium

Product Produced: Channel modifications to mitigate a variety of riverine problems have become a common practice in the western United States. Numerous private entities and resource-management agencies have attempted to reconfigure stream channels by using designs based on different geomorphic classification schemes. However, assessing the channel response to and the effectiveness of these modifications over a long period is uncommon. The USGS Reconfigured Channel Monitoring and Assessment Program (RCMAP) is designed to evaluate the geomorphic stability of selected river reaches in western Colorado that are planned to, or have, undergone modification. The RCMAP also provides a physical framework to assess aquatic and riparian habitats in rehabilitated reaches.

The proposed study will expand the scope of the RCMAP to include a hydraulic analysis of the channel modifications of the Lake Fork at Lake City by using the USGS multidimensional surface-water model (MD_SWMS). It will be consistent with the previous MD_SWMS analyses of channel modifications at Muddy Creek, near Kremmling, Colorado. The proposed 1-year funding will be used to establish a monitoring site, to collect baseline data against which future data will be evaluated, and to evaluate channel hydraulic conditions with MD_SWMS. Results will be published in a peer-reviewed paper. The study will increase the applicability of MD_SWMS analysis of river response to channel modifications by including this high-altitude cobble river.

Water Planning Relationship: The proposed study, and the ongoing USGS RCMAP project that the proposed study compliments, are designed to provide information to resource managers, planners, and designers on the effectiveness and durability of channel restoration techniques used for stream rehabilitation, sediment management, and flood protection. The proposed study increases the geomorphic range of applicability of the RCMAP, and evaluates reconfigured channel hydraulic conditions with a multi-dimensional surface-water model (MD_SWMS) developed by USGS.

Recommendation: Staff gives a medium recommendation for funding of this project. Staff values the results of the proposed study and is currently working with the applicant to fund the study in Fiscal Year 2010 – 2011 with Severance Tax funding available for Hydraulic Analysis of Reconfigured Stream Channels. The original application contemplated analysis of the Hecla Wash restoration project (Hecla Wash is a tributary to the Arkansas River). Staff considers Hecla Wash a unique project in river restoration. An analysis of the Lake Fork of the Gunnison restoration project will provide data and information that is more widely applicable to river restoration projects in Colorado.

5. South Platte River – Downstream Channel Improvement Project – Operations and Maintenance (O&M) Funding

Beneficiary/Grantee/Contractor: Local Water Users, CWCB, UDFCD & USGS
Amount of Request: \$250,000 **Ranking:** High

Product Produced: CWCB owns and operates the largest flood control project in Colorado, the Downstream Channel Improvement Project (Project). After the construction of the Chatfield Dam, the immediate downstream reach of the South Platte River was straightened and lined with rip rap. The Project is annually inspected by the U. S. Army Corps of Engineers (Corps). The Corps has given the Project minimally acceptable ratings for several years and staff has been working diligently to address issues named in the annual inspection report. Vegetation removal, culvert cleaning, boat chute repair, and training dike repairs are some of the recent activities. The original authorization from 1979 of \$717,000 has dwindled down to just

under \$100,000 in FY 2010. Based on FY 2011 work, there will be little to no funding in this authorization in 2012. The work is performed by the Urban Drainage and Flood Control District and other contractors to maintain an acceptable status by the Corps. An unacceptable rating could create impacts to floodplain for Littleton, Englewood and Arapaho County increasing the need for flood insurance.

Water Planning Relationship: Flood Control and Floodplain Management is a vital part of water planning. Funding for these activities would uphold the agreements between the State of Colorado and the federal government.

Recommendation: Staff gives a high recommendation for funding of this project because of the obligations and agreements between the State and the federal government.

6. Climatology of Super Cooled Liquid Water Study Update

Beneficiary/Grantee/Contractor: Statewide, CWCB, NOAA
Amount of Request: \$35,000 **Ranking:** Medium

Product Produced: This was a scientific study to characterize super cooled liquid water (SLW) in clouds through various high elevation CDOT weather stations in various regions of Colorado. SLW is the fuel needed for cloud seeding programs. This would be an update to an existing report and would have expanded the regions in terms of years and data points in the analysis. This has been a useful tool in planning to help determine which months of winter are the best ones and where are the best areas to allocate resources for cloud seeding.

Water Planning Relationship: This is beneficial to snowpack augmentation through cloud seeding as a part of water planning.

Recommendation: Staff gives a medium recommendation for funding of this project because there is already a baseline study and other projects are a priority in this fiscal year.

7. Community Collaborative Rain, Hail and Snow Network (CoCoRaHS): Enhancing the network to improve flood forecasting, warning and assessment in Colorado

Beneficiary/Grantee/Contractor: CSU, Colorado Climate Center, Various
Amount of Request: \$26,400 **Ranking:** Medium

Product Produced: The Community Collaborative Rain, Hail, and Snow Network (CoCoRaHS) was founded in 1998 in northern Colorado and has now expanded to several western states. It currently engages over 1,500 volunteers to measure rain, hail and snow throughout Colorado as well as to report abnormalities. For instance, a huge flash flood resulting from a highly localized intense rain storm that dropped over 14 inches of rain over a few neighborhoods in Fort Collins, Colorado, helped point out the role that volunteers can play to report weather events, track rainfall patterns, help scientists, and monitor water resources.

Water Planning Relationship: These rain gauges provide an important source of one day total rain fall volumes useful in scientific studies, models, and analysis.

Recommendation: Staff gives a medium recommendation for funding of this project because there are other important priority projects for the CWCB and limited funding.

8. Evaluating the Benefits of Radar Data for Improving Snow Melt Runoff Forecasts

Beneficiary/Grantee/Contractor: Local Water Users, NOAA
Amount of Request: \$50,000 **Ranking:** Medium

Product Produced: The product produced from this field scientific study would be a report and

recommendations for advances in snow science and snowpack models using mobile radar technology. This would be a collaboration with matching funding from NCAR and NOAA.

Water Planning Relationship: This provides advances in observation tools for snow science, snowpack models and water supply forecasts.

Recommendation: Staff gives a medium recommendation for funding of this project because other projects were deemed higher priority for the CWCB and there is limited funding.

9. Community Assistance Program

Beneficiary/Grantee/Contractor: Local Water Planners, CWCB, Various
Amount of Request: \$40,000 **Ranking:** High

Product Produced: The Community Assistance Program (CAP) is a product-oriented financial assistance program directly related to the flood loss reduction objectives of the National Flood Insurance Program (NFIP). States and communities that are participating in the NFIP are eligible for this assistance. CAP is intended to identify, prevent, and resolve floodplain management issues in participating communities before they develop into problems requiring enforcement action. In Colorado, the program is based on a 75:25 (federal to non-federal) cost-share basis and has been in existence for over 20 years. This program has been very effective in helping communities to understand and realize the benefits of the NFIP and to assist in making sure that they follow the program guidelines for the highest benefits.

Water Planning Relationship: This work fits in centrally with the CWCB's mission of helping to protect Colorado's citizens from flooding damages, as floodplains are defined as areas of statewide interest. This coordinator position helps provide long-term benefits in the terms of greater flood awareness and reduced flood damages and susceptibility.

Recommendation: Staff gives a high recommendation for funding of this project because of the importance to flood protection and water management. This cost-share funding is crucial to assure the continued success of the program and to ensure continued federal funding for the full-time position.

10. Sago Pondweed Management Using Mid-Season Drawdown Treatments

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$24,750 **Ranking:** Medium

Product Produced: This would be a continuation of ongoing field research and the development suitable treatments for canal weeds that are plaguing Colorado.

Water Planning Relationship: Canal and weed maintenance strategies for better water conveyance contributes to water planning.

Recommendation: Staff gives a medium recommendation for funding of this project because other projects were priorities for the CWCB and funding is limited.

11. Common Reed Management in Colorado

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$23,595 **Ranking:** Medium

Product Produced: This project is similar to the Sago Pondweed to research treatment and management strategies for the Common Reed. This has been an issue in Nebraska and it is creeping its way up the South Platte River into Colorado.

Water Planning Relationship: Vegetation management strategies for better water conveyance contribute to water planning.

Recommendation: Staff gives a medium recommendation for funding of this project because other projects are a priority in this fiscal year and funding is limited.

12. Climate and Water Supply Podcasts for the Benefit of Flood and Drought Forecasting and Preparedness

Beneficiary/Grantee/Contractor: Statewide, CSU, Colorado Climate Center
Amount of Request: \$40,000 **Ranking:** Low

Product Produced: The project by the CSU Colorado Climate Center is to create abbreviated versions of the summaries from the Governor’s Flood Task Force and Water Availability Task Force meetings and hold them via podcast during spring run-off season.

Water Planning Relationship: This would provide water information for water planners.

Recommendation: Staff gives a low recommendation for funding of this project because of other higher priorities for CWCB and funding is limited.

13. Ecological-Economic Tradeoffs of Wetlands Created by Traditional Flood Irrigation Practices in Western Watersheds

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$50,000 **Ranking:** Medium

Product Produced: A pilot project would be conducted in the North Fork of the Cache la Poudre watershed, as a means of comparison between North Park and South Park water management schemes. Products would include spatial mapping of wetlands, including “unintentional” wetlands created by traditional flood irrigation practices. Biodiversity and ecosystem-service values associated with the wetland areas will be listed. Benefits and costs will also be developed, along with an analysis of policy options.

Water Planning Relationship: Flood irrigation has been an agricultural practice used by farmers and ranchers in the West for over a century. In addition to supporting agricultural production, leakage from pathways transporting water to irrigated fields contributes to the creation, albeit unintentionally, of wetland areas that provide habitat for biodiversity (including endangered species; e.g., Preble’s meadow jumping mouse), as well as provide ecosystem services which benefit human communities.

Across semi-arid regions of the Western United States, proposed water conservation projects will result in substantial alterations to current hydrologic flow regimes, as well as changes in the availability of irrigation water that maintains these “unintentional” wetland areas. Furthermore, discussions about enhancing water-use efficiency have emphasized the need for agriculture to adopt more efficient practices. In this context, there is pressure for agricultural producers to abandon flood irrigation, as it is a more water intensive practice than alternative technologies. This pressure is often coming from urban areas where water rights are being leased or purchased to supply expanding human populations.

While there are complex ecological, economic, and social issues at play in evaluating water infrastructure investments, the potential loss of “unintentional” wetland areas – and corresponding impacts on biodiversity and ecosystem-service values – is a dimension that has received little quantification. Given the information gap that currently exists related to the value of these wetland areas, the study aims to (1) develop a conceptual framework, (2) compile supporting empirical data to inform, and (3) complete a quantitative assessment of the expected costs and benefits resulting from alternative policy options and their corresponding impacts on wetland areas maintained by traditional irrigation practices.

Recommendation: Staff gives a medium recommendation for funding of this project because rather than low, due to the currently unquantified nature of ecological and economic tradeoffs for wetlands created by traditional irrigation practices. The leveraging factor through a one to one cost-share match by the applicant is an attractive component of this proposal.

Water Information Program

1. Establishment of a Groundwater-Level Monitoring Network in the South Platte Alluvial

Beneficiary/Grantee/Contractor:	Local Water Users, USGS	Ranking:	Medium
Amount of Request:	\$91,000		

Product Produced: Groundwater levels in the South Platte alluvial aquifer have been measured by various Federal, State, and local agencies beginning in the 1940's and continuing to the present (2010). While many of these water-level data have been compiled in the Colorado Division of Water Resources database, Hydro Base, many current and historical measurements also reside in the USGS National Water Information System (NWIS) database, and there are databases maintained by individual agencies. At a recent meeting of groundwater users and administrators, there was consensus that a centralized and publicly available repository of water-level data would be of benefit to all data users. An established groundwater level network based on review and interpretation of the available data would also be advantageous to further understanding of spatial and temporal variation of the water table and to avoid duplication of efforts. The overall objective of this project is to establish a regional water-level monitoring network for the South Platte alluvial aquifer. Specific tasks for funding are: (1) develop and publish up to 5 interpretative water-table maps for the alluvial aquifer for selected time periods as well as maps of water-level change between the selected time periods; (2) recommend water-level monitoring locations and wells on the basis of the interpretative maps to establish a long-term groundwater level monitoring network for the South Platte alluvial aquifer; and (3) establish field and data management procedures to coordinate future water-level data collection by various agencies.

Water Planning Relationship: The proposed project will contribute to data availability and understanding of spatial and temporal variability in groundwater availability in the South Platte alluvial aquifer. The results can be compared to the South Platte Decision Support System (SPDSS) alluvial aquifer modeling results to improve model calibration and enhance management of Colorado's water resources in the South Platte River Basin.

Recommendation: Staff gives a medium recommendation for funding of this project because of potential overlap with ongoing CDSS activities. Hydro Base includes all USGS water level measurements in Colorado, refreshed on an annual basis, and CWCB and DWR staffs are working on procedures to include annual updates from other entities measuring water levels in the South Platte Basin.

2. Denver Basin Groundwater-Level Monitoring in Rural Douglas County

Beneficiary/Grantee/Contractor:	Local Water Users, USGS	Ranking:	High
Amount of Request:	\$62,600		

Product Produced: Water supply for the growing population of Douglas County, Colorado, is provided primarily by groundwater pumped from confined aquifers in the Denver Basin bedrock aquifer system. Outside of municipal service areas, rural residents rely on self-supplied groundwater from domestic wells, and there is concern for the effects of continued municipal and domestic pumping on groundwater availability. The Douglas County Rural Water Authority, established in 2009 to represent rural water users in Douglas County, and the USGS are currently (2010) in the planning stages of developing a cooperative groundwater monitoring network for rural areas of Douglas County. The planned study will establish a groundwater-level monitoring network, measure water levels, and develop potentiometric surface maps on a quarterly basis in 2010 and early 2011. Funds would be used to continue quarterly water level monitoring and evaluation through June 2012.

Water Planning Relationship: The proposed project will contribute to data availability and understanding of spatial and temporal variability in water levels in Douglas County where the growing population depends on groundwater for water supply. The data would complement the existing annual groundwater-level measurement program conducted by the Colorado Division of Water Resources. The results can be compared to the USGS Denver Basin bedrock aquifer groundwater flow model to improve model calibration and enhance management of Colorado's water resources in the Denver Basin.

Recommendation: Staff gives a high recommendation for funding of this project because of the importance of accurate and ongoing water level measurement in managing and planning for this finite groundwater resource.

3. Local Grid Refinement of the SPDSS Alluvial Aquifer Groundwater Flow Model

Beneficiary/Grantee/Contractor:	Local Water Users, USGS	Ranking:	Medium
Amount of Request:	\$98,700		

Product Produced: A calibrated regional groundwater flow model of the South Platte alluvial aquifer is currently being developed as part of the South Platte Decision Support System (SPDSS). While the SPDSS model will accurately represent regional groundwater flow conditions, spatially refined models may be needed in some local areas to improve simulation accuracy. For example, refined grids may be needed in regions where hydraulic gradients change substantially over short distances, as would be common near pumping or injecting wells, rivers, and drains or in regions requiring detailed representation of hydrogeologic heterogeneity. Often, it is advantageous to refine more than one area of a model. This proposed demonstration project would apply the Local Grid Refinement (LGR) package of MODFLOW-2005 to a selected subarea of the SPDSS alluvial aquifer model, working in conjunction with CWCB and DWR staff.

Water Planning Relationship: The proposed project will demonstrate the use of local grid refinement for a regional groundwater flow model to simulate hydrologic processes (stream flow, ditch flow, pumping, and recharge) with refined spatial detail within the larger scale SPDSS alluvial aquifer groundwater flow model. The results will provide more accurate water-budget calculations for the refined study area than can be calculated with the regional SPDSS model and can be used to enhance management of Colorado's water resources in the South Platte River Basin.

Recommendation: Staff gives a medium recommendation for funding of this project because of the possibility of obtaining future funding through the Colorado Decision Support System (CDSS) for the project.

4. 2010 Irrigated Lands Refresh Project

Beneficiary/Grantee/Contractor:	Statewide, CWCB, DWR	Ranking:	High
Amount of Request:	\$50,000		

Product Produced: Every 5 years, the CWCB, with the assistance of DWR, compiles spatial data for the irrigated lands of the state. Data collected includes acres irrigated and associated crops. The final data product consists of GIS coverage for each water division which is loaded into Hydro Base.

Water Planning Relationship: Irrigated lands and crop data are used in water planning models developed under the CDSS program. This data aids in compact compliance efforts, and other facets of water resource management at a state and local level.

Recommendation: Staff gives a high recommendation for funding of this project because most of the work will be done in house. However, there may be costs to acquire satellite imagery and aerial photography which is used to determine irrigation status and crop type. Funding will also be used if needed, for hiring a contractor to assist with the large volume of work required to map the approximately 2.5 million irrigated acres in Colorado.

5. Paleohydrology of the Lower Colorado River Basin

Beneficiary/Grantee/Contractor: Local Water Users, CSU
Amount of Request: \$50,000 **Ranking:** Medium

Product Produced: A report that will include a comprehensive reconstruction of the Lower Colorado River Basin annual streamflows, extending back at least 500 years, using tree rings. This paleohydrologic reconstruction would provide better understanding of the natural variability of streamflows in the Lower Basin and a basis for assessing the water supply risk resulting from this variability.

Water Planning Relationship: The State of Colorado draws a substantial portion of its water supply from the Colorado River, the reliability of which is a function of natural hydrologic variability, notwithstanding anticipated changes in future climate which will be superimposed on this variability. The basin's water managers are increasingly assessing the resilience of Colorado River storage and the capabilities to meet the complex and often competing directives that constitute the Law of the River. Thus, it is extremely important to understand the range of this natural variability in the basin streamflows so as to obtain a robust assessment of the water supply risk, and inform effective management and planning strategies. Observed streamflow records, 100 years long at most, cannot provide the full range of variability. Paleohydrologic reconstructions of annual flow using tree rings, however, provide much longer (500-1000+ years) records of past natural variability, and thus a more complete sampling of potential flow sequences, including severe and sustained droughts of greatest concern to water managers.

While the long-term natural variability of the Upper Colorado River Basin has now been well-described by high-quality multi-century reconstructions of the annual flow of the Colorado River at Lees Ferry, Arizona, there has been no equivalent effort for the whole of the Lower Colorado River Basin (LCRB), that is, the mainstem and tributaries above the Northerly International Boundary (NIB), including the Gila River. The contribution of the Lower Basin to overall basin flows is roughly 15% on average (about 2.5 MAF), although this contribution varies enormously from year to year. The Colorado River District, which will collaborate with the investigators, acknowledges the need to include all of the Lower Basin in paleohydrologic reconstructions to develop a more complete picture of the natural variability of the entire Colorado River Basin. With this information, the risk to Colorado's water supplies of that variability, given both the Lower Basin's and Upper Basin's obligations under the Law of the River can be more meaningfully assessed. As with recent studies for the Upper Basin, the paleohydrologic record would be combined with scenarios of climate change to assess the joint risk of past climate variability and future climate change, in effect asking, "What would happen if the droughts of the past recurred in a future (warmed) climate?"

Recommendation: Staff gives a medium recommendation for funding of this project because of the limited funding available.

Intra-State Water Management Program

1. Irrigated Agriculture, Water Transfers and Economic Activity

Beneficiary/Grantee/Contractor: Statewide, CSU
Amount of Request: \$35,000 **Ranking:** Low

Product Produced: The study requires secondary data collection that includes a time series of economic indicators for rural economies and a proper accounting of irrigated agriculture's economic activity. This information will be compiled in a brief report that discusses trends in rural counties and agriculture and published as a Department of Agriculture and Resource Economics fact sheet.

Water Planning Relationship: As the competition for scarce water increases, stakeholders, policymakers and the public must adopt strategies in order to meet both short-term and long-term water resource needs. This study would encompass one such strategy involving water transfers and their impact to the economy.

Recommendation: Staff gives a low recommendation for funding of this project because the Water Supply Planning section is funding an effort to that is studying a very similar effort. Specifically, through the Alternatives to Permanent Agricultural Water Transfers grant program, CWCB has funded the development of an economic model that will help determine whether there is a correlation between the loss of irrigated agricultural lands and the associated rural economies. This ultimate goal is to determine whether there is a certain amount of irrigated lands that sustains a rural economy and if there is a “tipping point” where any further reductions in irrigated lands have a significant negative effect.

A summary listing the projects and the recommended rankings follows as Attachment B.

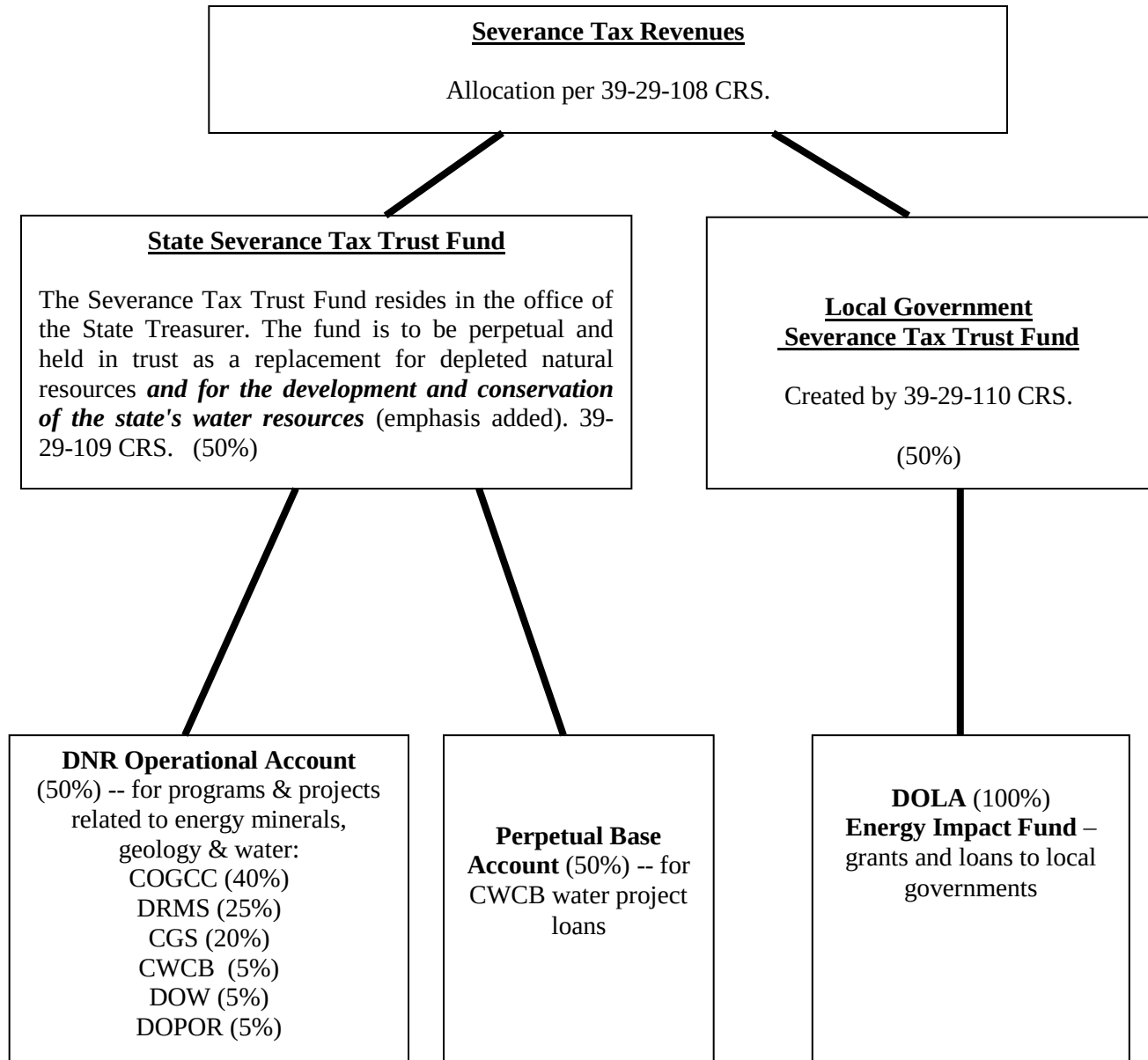
FINAL RECOMMENDATION:

No action is needed on Part A or B.

With respect to Part C, we recommend that you approve the staff ranking for each project and direct us to allocate funding based on the amount of Severance Tax available within the CWCB’s five-percent share. We will not know exactly how much funding will be available until the Executive Branch and the General Assembly act on proposals to divert a portion of Severance Tax to the General Fund, place a cap on contribution into the Operational Account, or keep agency funding static for other budgetary reasons.

Attachment A

Severance Tax Trust Fund Distribution Chart



Attachment B

COLORADO WATER CONSERVATION BOARD
SEVERANCE TAX TRUST FUND OPERATIONAL ACCOUNT
Covering July 2011 thru June 2012

Projects	Funding Request	Staff Ranking
Water Supply Protection Program		
Intra-State Water Planning	\$100,000	High
Recreation Project	\$ 80,000	High
Upper Black Squirrel Groundwater Model	\$137,000	High
El Paso County Groundwater Quality Study	\$ 60,000	Medium
TSTool Software Enhancements for Water Providers and Users	\$ 60,000	Medium
Recent Trends in Dust Deposition to Snowpacks	\$100,000	Medium
Crop Coefficients for Alfalfa Grown in Arkansas Valley	\$ 75,000	High
Finance Program		
Grand Mesa Regional General Permit – Fen and Wetlands Project	\$175,000	High
Cooperative Re-timing and Augmentation Enhancement Project	\$150,000	High
Public & Private Pilot Res Rehab & Storage Enhancement Study	\$ 75,000	Medium
Stream and Lake Protection Program		
ISF Program Case Management Support	\$ 50,000	High
Decades Down the Road II	\$ 10,000	Medium
Native Warm Water Fish in the Dolores River Project	\$ 75,000	Medium
Alamosa River Instream Flow Project	\$100,000	High
Water Conservation Planning Program		
Spatial Approach to Modeling Drought Hazard and Risk	\$142,000	Medium
Drought Mitigation and Response Implementation	\$150,000	High
Gallons per Capita per Day Methodology Standard Study	\$ 75,000	High
Local Water Conservation Resource Planning Tools	\$ 75,000	High
Colorado Agricultural Meteorological Network Expansion	\$ 50,000	High
Climate Change and Colorado's Prior Appropriation Doctrine	\$ 35,000	Medium
Penetration and Permanence of Municipal Conservation Measures	\$ 35,000	High
Flood Protection Program		
Flood Mitigation and Project Compliance	\$100,000	High
Multi-Objective Watershed Restoration Projects	\$150,000	High
Hydraulic Analysis of Hartland Dam Fish Passage	\$ 68,000	Low
Hydraulic Analysis of Lake Fork Channel Rehab	\$ 98,000	Medium
Chatfield Reservoir Downstream Channel Improvement Project	\$250,000	High
Climatology of Supper Cooled Liquid Water Study	\$ 35,000	Medium
Community Collaborative Rain, Hail and Snow Network	\$ 26,400	Medium
Evaluating Benefits of Radar Data for Snowmelt Forecasts	\$ 50,000	Medium
Community Assistance Program	\$ 40,000	High
Sago Pondweed Management Using Midseason Drawdown Tools	\$ 24,750	Medium
Common Reed Management in Colorado	\$ 23,595	Medium
Projects	Funding Request	Staff Ranking
Podcasts for Flood & Drought Forecasting	\$ 40,000	Low
Ecological-Economic Tradeoffs of Wetlands	\$ 50,000	Low

Water Information Program

Groundwater-Level Monitoring Network in So Platte Alluvial	\$ 91,000	Medium
Groundwater-Level Monitoring n Rural Douglas County	\$ 62,600	High
Local Grid Refinement of SPDSS Alluvial Aquifer GW Model	\$ 98,700	Medium
Irrigated Lands Refresh Project – 2010	\$ 50,000	High
Paleohydrology of Lower Co River Basin	\$ 50,000	Medium

Intra-State Water Management Program

Irrigated Agriculture, Water Transfers and Economic Activity	<u>\$ 35,000</u>	Low
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Total**\$3,152,045**

COLORADO WATER CONSERVATION BOARD
Water Supply Reserve Account - Balance Summary
April 5, 2010

Fund Appropriation and Receipts				
Fiscal Year	Legislative Appropriation	Funds Received	Statewide Account	Basin Account
2006/2007	\$10,000,000	\$10,000,000	\$5,500,000	\$4,500,000
2007/2008	\$6,000,000	\$6,000,000	\$4,200,000	\$1,800,000
2008/2009	\$10,000,000	\$7,000,000	\$4,300,000	\$2,700,000
2009/2010	\$5,775,000	\$5,775,000	\$4,215,750	\$1,559,250
TOTAL	\$31,775,000	\$28,775,000	\$18,215,750	\$10,559,250

Note: The WSRA is a Severance Tax "Tier II" program with 40% of funds distributed on July 1, 30% on January 1, and the final 30% on April 1.

In FY 2008/2009 the final 30% installment of \$3,000,000 was not received due to the State's budgetary shortfall.

*For FY 2009/2010 all installments were received, including the third 30% April installment, totaling \$1,732,500,
or \$1,264,725 for the Statewide Account and \$467,775 for the Basin Account (\$51,975 for each roundtable).*

Fund Distribution					
Basin	Approved Basin Grants	Total Basin Funds	Basin Account Balance	Approved State Grants	Statewide Account Balance
Arkansas	\$972,756	\$1,173,250	\$200,494	\$2,781,620	
Colorado	\$850,171	\$1,173,250	\$323,079	\$2,227,900	
Southwest	\$1,049,446	\$1,173,250	\$123,804	\$3,015,000	
Gunnison	\$692,565	\$1,173,250	\$480,685	\$861,660	
Metro	\$993,146	\$1,173,250	\$180,104	\$1,358,333	
North Platte	\$849,715	\$1,173,250	\$323,535	\$311,027	
Rio Grande	\$920,450	\$1,173,250	\$252,800	\$2,967,400	
South Platte	\$1,043,111	\$1,173,250	\$130,139	\$1,913,602	
Yampa/White	\$1,063,374	\$1,173,250	\$109,876	\$248,835	
TOTAL	\$8,434,734	\$10,559,250	\$2,124,516	\$15,685,377	\$2,530,373
TOTAL APPROVED GRANTS					\$24,120,111

Note: Only includes grants approved by CWCB.

WSRA COMPLETED PROJECTS		Last Update 04/30/10
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Last Update 04/30/10

[illegible]

Southwest		Goodman Point Water Association	Goodman Point Water Association Pipeline Environmental Assessment	Mar-07	\$7,700	\$0	\$7,700	Study of structural water project	8000000075	\$7,700				07/31/09
Southwest		Mancos Water Conservancy District	Jackson Gulch Reservoir Expansion Project	July-07	\$61,735	\$0	\$61,735	Feasibility Study	8000000076	\$80,000		ATTACHMENT 10B		06/30/09 06/30/09
Southwest		La Plata West Water Authority	La Plata West Rural Water Supply System	Mar-08	\$100,000	\$1,000,000	\$1,100,000	All purposes	C150422				06/30/09	
Southwest	La Plata/Archuleta	La Plata Archuleta Water District	Water System Master Planning	Nov-08	\$100,000	\$0	\$100,000	Environmental/Technical feasibility studies and studies or analysis of structural and/or non structural water project or activity	9000000112	\$100,000	None		12/31/09	12/22/09
Southwest	Archuleta	Park Ditch Company	Park Ditch Improvements	Jul-09	\$85,000	\$0	\$85,000	Structural water project or activity	10000000011	\$85,000	\$132,375		06/30/11	12/09/09
Southwest	La Plata	Happy Scenes	Water System Well, Treatment System and Distribution Upgrades	16-Sep-08	\$39,760	\$50,000	\$0	Structural Project	9000000127	\$50,000	\$87,100		06/30/10	11/17/09
Southwest Basin Total Request					\$394,195	\$1,050,000	\$1,444,195							
Number of Projects		7												
Gunnison	Hinsdale	Upper Gunnison Water Conservancy District and Hinsdale County	Lake San Cristobal Controlled Outlet Structure	May-07	\$35,000	\$0	\$35,000	Technical assistance regarding permitting, feasibility studies, and environmental compliance	8000000021	\$35,000				Closed
Gunnison	Delta	Town of Orchard City	Orchard City Water Reservoir Project (Task 1-3)	May-07	\$60,000	\$0	\$60,000	Study/Analysis	8000000007	\$60,000				
Gunnison	Delta	Town of Orchard City	Orchard City Water Reservoir Project (Remaining Tasks)	Sept-07	\$0	\$380,000	\$380,000	Study/Analysis	C150410	\$480,000			12/31/08	Closed
Gunnison	Delta, Montrose, Ouray	Project 7 Water Authority and Uncompahgre Valley Water Users Association	Off-System Raw Water Storage Project 7 Water Authority/Uncompahgre Valley Water Users Association	Sept-07	\$56,700	\$0	\$56,700	Environmental Compliance and Feasibility Study	80000000059	\$56,700				Closed
Gunnison	Gunnison	North Fork River Improvement Association	Paonia-Feldman Diversion Reconstruction; North Fork of the Gunnison River (Part 1 and 2)	Sept-07	\$48,000	\$62,700	\$110,700	Structural--development of construction plans and specifications for project	C150411	\$110,700			12/31/08	Closed
Gunnison	Mesa	City of Grand Junction Water Enterprise Fund	Juniata Reservoir Spillway Modification	Mar-09	\$97,000	\$0	\$97,000	Structural Water Project	9000000088	\$97,000	\$97,586	\$66,914	06/30/10	12/15/09
Gunnison	Delta	Painted Sky Resource Conservation and Development Council, Inc.	Hartland Diversion Dam Fish Passage Feasibility Study	May-09	22,100	\$0	22,100	Study or analysis of a structural water project or activity	9000000144	\$22,100	\$1,000		06/30/10	01/25/10
Gunnison Basin Total Request					\$318,800	\$442,700	\$761,500							
Number of Projects		7												
Metro	Denver, Multiple	The Greenway Foundation	Chatfield Reallocation EIS/FR (South Platte BRT contributing \$27,000)	Mar-07	\$103,000	\$0	\$103,000	Study/Analysis of Structural Water Project						
Metro	Douglas	East Cherry Creek Valley Water and Sanitation District	Zero Liquid Discharge Pilot Study	Sept-07	\$200,000	\$200,000	\$400,000	Study/Analysis	C150412	\$400,000				01/08/09
Metro	Logan	Parker Water and Sanitation District	Parker Water and San. And Colo. State University Joint Project on the Rural/Urban Farm Model	Sept-07	\$150,000	\$0	\$150,000	Study/Analysis	C150413	\$150,000			12/31/09	10/02/09
Metro	Multiple	CFWE	Solicitation of Stakeholder Input through a South Platte Edition of Headwaters	Jul-08	\$16,019	\$0	\$16,019	Non-structural water project or activity	9000000019	\$16,019				
Metro	Douglas, Arapahoe	South Metro Water Supply Authority	South Metro Water Supply Authority - Regional Aquifer Supply Assessment	Jul-08	100,540	\$0	100,540	Study/analysis of structural project & consumptive project/activity	C150430	\$100,540	In-kind		12/31/09	12/31/10
Metro Basin Total Request					\$569,559	\$200,000	\$769,559							

Metro	Douglas, Arapahoe	Authority	Supply Assessment	Jul-08	100,540	\$0	100,540	project/activity	C150430	\$100,540	In-kind		12/31/09	12/31/10
Metro Basin Total Request					\$569,559	\$200,000	\$769,559					ATTACHMENT 10B		
Number of Projects		5												
North Platte N Platte		Silver Spur Operating CO.	New Pioneer Ditch Diversion Reconstruction Project	Mar-08	\$116,000		\$116,000	Structural/Non-Structural Water Activity	C150421	\$116,000			12/31/09	
Basin Total Request					\$116,000	\$0	\$116,000							
Number of Projects		1												
Rio Grande		Alamosa Riverkeepers	Alamosa River In-stream Flow Project	Mar-07	\$64,500	\$0	\$64,500	Study/Design for Structural Water Project	7000000076					
Rio Grande		Colorado Rio Grande Restoration Foundation	Rio Grande Basin Conservation Reserve Enhancement Program	May-07	\$36,750	\$0	\$36,750	Non-structural water activity	8000000006	\$36,750				Closed
Rio Grande		San Luis Valley Resource Conservation and Development Council	Alamosa River Watershed Restoration Project	Sept-07	\$0	\$104,000	\$104,000	Non-structural water activity	C150419	\$104,000				Closed
Rio Grande		Romero Irrigation Company	Romero-Guadalupe Channel Rectification Project	Sept-07	\$83,700	\$0	\$83,700	Structural Water Project	8000000060	\$83,700				Closed
Rio Grande		Rio Grande Headwaters Land Trust	Rio Grande Initiative	Mar-08	\$200,000	\$1,300,000	\$1,500,000	Structural/Non-Structural Water Activity	C150420	\$1,500,000				Closed
Rio Grande RGrande	Conejos	El Codo Ditch Company	San Antonio River - El Codo Ditch Diversion and Rehabilitation	May-09	\$65,000	\$0	\$65,000	Structural and/or nonstructural water project or activity	1000000001	\$64,820	\$23,445		12/31/09	12/08/09
Basin Total Request					\$449,950	\$1,404,000	\$1,853,950							
Number of Projects		6												
South Platte		The Greenway Foundation	Chatfield Reallocation EIS/FR (Metro BRT contributing \$103,000)	Mar-07	\$27,000	\$0	\$27,000	Study/Analysis of Structural Water Project		\$27,000				
South Platte		Clear Creek County	Clear Creek Water Banking/High Altitude Storage	May-07	\$52,000	\$0	\$52,000	Environmental Compliance/Feasibility Study	8000000037	\$52,000				Closed
South Platte		Colorado Foundation for Water Education	Solicitation of Stakeholder Input through a South Platte Edition of Headwaters	Jul-08	\$16,019	\$0	\$16,019	Non-structural water project or activity	9000000019	\$32,038				
South Platte		Ducks Unlimited, Inc.	Lower South Platte Wetland Initiative Phase I	Sept-07	0	\$278,476	278,476	Specifies all eligible activities	C150415	\$278,476	\$500,255			
South Platte Basin Total Request					\$95,019	\$278,476	\$373,495							
Number of Projects		4												
Y/W/G		Upper Yampa Water Conservancy District	Morrison Creek Reservoir Feasibility Study	July-07	49,500	\$0	49,500	Feasibility Study	8000000058	\$49,500	\$0		03/31/08	02/25/10
Y/W/G		Vermillion Ranch	Sparks Reservoir	Jul-08	16,000	\$0	16,000	Study/Analysis of Consumptive Activity/Project	9000000039	\$16,000	\$3,000		12/31/08	02/25/10
Y/W/G Basin Total Request		2			65,500	\$0	\$65,500							
Water Supply Reserve Account Total Requests					\$2,622,804	\$5,633,131	\$8,190,435							

WSRA IN PROGRESS PROJECTS													UPDATED 04/30/10		ATTACHMENT 10C
Basin	County	Applicant	Name of Water Activity	CWCB Mtg Approved	Basin Account	Statewide Account	Total Request	Type of Water Activity	Number	Amount	Matching Funds Authorized	Matching Funds Paid	Project Expire Date		
Arkansas	Pueblo,Otero, Bent,Crowley, Powers,Fremont,Kiowa, Chaffee, El Paso	Southeastern Colorado Water Activity Enterprise	Arkansas Valley Conduit	Mar-07	0	\$200,000	200,000	Study/analysis of structural activity	C150406	\$200,000	\$352,000		06/30/11		
Arkansas	Pueblo, Otero, Crowley,Bent, Powers	Lower Arkansas Water Conservancy District	Rotational Land Fallowing-Water Leasing Program -Lower Arkansas Super Ditch Company	Jan-08	150,000		150,000	Study/analysis of nonstructural activity	C150425	\$150,000	\$68,735		06/30/10		
Arkansas	Pueblo	Colorado State Parks	Colorado State Parks Zebra Mussel Response	Mar-08	0	\$1,000,000	1,000,000	Structural and Non-Structural water project	C150416	\$1,000,000	\$3,000,000		06/30/09		
Arkansas	No information on Summary for counties	Colorado State Univ.	Geospatial decision support system for integrated water mgmt	Sep-08	100,000	\$500,000	600,000	Studies/analysis structural/nonstructural, consumptive/non water needs projects	C150441	\$599,931	Unknown		06/30/12		
Arkansas	Chaffee, Fremont, Custer	Upper Arkansas WCD	Telemetry data collection platforms at six reservoirs plus flow control equipment & gauging at six reservoir outlet channels & nine streams w/in the upper Ark River basin	Sep-08	75,000	\$210,332	285,332	Structural and/or nonstructural water project or activity	C150439	\$285,332	\$529,884		12/31/11		
Arkansas	Bent, Kiowa	Lower Arkansas Valley Water Conservancy District	John Martin Wetlands & Neenoshe Reservoir Nonconsumptive Needs Quantification	May-09	148,975	\$0	148,975	Study/analysis of nonconsumptive water needs	C150457		\$43,250		06/30/11		
Arkansas	Chaffee,Lake, Saguache	Upper Arkansas Water Conservancy District	UAWCD Hydrologic Water Balance Study	Sep-09	\$0	\$180,000	180,000	Study or analysis of non structural, consumptive, or nonconsumptive water needs and projects	C150460	\$180,000			06/30/13		
Arkansas Basin Total Request					473,975	\$2,090,332	2,564,307								
Number of Projects		7													
Colorado	No information on Summary for counties	City of Grand Junction	Energy Development Water Needs Assessment (300,000 Joint Application see Yampa)	Mar-07	0	\$150,000	150,000	Study of consumptive water needs asso. w/energy develop. in the CO, White& Yampa river basins	C150407	\$150,000	\$0		12/31/10		
Colorado	Mesa	Bull Creek Reservoir Canal and Power Co.	Bull Creek Reservoir No. 5 Spillway Adequacy Analysis	Sept-07	50,000	\$0	50,000	Structural water activity-- Spillway adequacy study/environmental permitting	8000000039	\$50,000	\$0		06/30/10		
Colorado	Garfield, Eagle	Basalt Water Conservancy District	Missouri Heights	Sept-07	25,000	\$0	25,000	Non-structural study--ground water monitoring, phase II	8000000049	\$25,000	\$25,000		01/31/13		
Colorado	Grand, Pitkin, Eagle, Garfield, Summit,Mesa	Northwest Colorado Council of Governments	Colorado Basin Nonconsumptive Needs Quantification	Mar-09	315,171	\$0	315,171	Nonstructural study of nonconsumptive needs	C150451	\$315,171	\$25,000		06/30/11		
Colorado	Eagle/Pitkin/ Garfield	Ruedi Water and Power Authority	Roaring Fork Watershed Assessment - Phase 2	May-08	\$40,000.00		#####	Study/Analysis Consumptive and Non-Consumptive Project	9000000049	\$40,000.00					
Colorado		Grand County	Grand County Stream flow Management Plan	May-08	\$100,000.00	\$0.00	100,000	Study/Analysis of Non-consumptive needs/project	C150461	\$100,000			06/30/11		
Colorado Basin Total Request					530,171	\$150,000	680,171								
Number of Projects		7													
Southwest		San Juan Water Conservancy District	Dry Gulch Reservoir/San Juan Reservoir Land Acquisition	Mar-07	0	\$1,000,000	1,000,000	Structural Water Project -- Land Acquisition for Reservoir Site	C150408	\$1,000,000	\$8,100,000		12/31/25		
Southwest		Town of Sawpit	Town of Sawpit -- Engineering/Planning for Domestic Water System; Southwest Basin	Mar-08	25,000		25,000	Study Structural Project	9000000006	\$25,000	\$6,700		06/30/09		
		Summit Reservoir and	MVIC Summit Irrigation Company					Environmental/Technical feas. studies & studies/analysis of structural &/or non structural							

Southwest		Town of Sawpit	Engineering/Planning for Domestic Water System; Southwest Basin	Mar-08	25,000		25,000	Study Structural Project	9000000006	\$25,000	\$6,700		06/30/09
Southwest		Summit Reservoir and Irrigation Company	MVIC Summit Irrigation Company feasibility study	Sep-08	39,300	\$0	39,300	Environmental/Technical feas. studies & studies/analysis of structural &/or non structural wtr project or activity	9000000085	\$39,300	\$0	ATTACHMENT 10C	08/31/10
Southwest		Town of Silverton	Molas Lake Ditch Rehabilitation and Diversion Structures	Jan-09	95,000	\$0	95,000	Structural Project	9000000143		\$1,100,000		06/30/10
Southwest		Lower Blanco Property Owners Association	Lower Blanco River Restoration Project	Mar-09	100,000	\$0	100,000	Analysis and Construction of Structural Nonconsumptive Water Project	C150450		\$284,000		
Southwest		Florida Mesa Canal Companies (Florida Canal, Florida Farmers Ditch, Florida Enlargement Ditch, and the Florida Co-operative Ditch Company)	Ditch Loss, Hydropower, and Monitoring Improvement Program	Mar-09	100,000	\$0	100,000	Technical Assistance for Feasibility Studies; Study & Implementation of a Structural, Consumptive Water Project	9000000115		\$300,000		06/30/11
Southwest		Lower Blanco River Restoration	Lower Blanco River Restoration Project	Sep-09	0	\$150,000	150,000	Structural and/or nonstructural water project or activity	C150450		\$0		06/30/11
Southwest	Montezuma	Bauer Lake Water Company	Bauer Lakes Water Co. Dam Outlet Structure Upgrade	Mar-08	40,000		40,000	Structural Project	1000000084	\$40,000	\$70,000		06/30/11
Southwest	La Plata, Archuleta	La Plata Archuleta Water District	La Plata Archuleta Water District	Sep-09	\$0	\$400,000	400,000	Technical assistance regarding permitting feasibility studies and environmental compliance	C150459	\$400,000	\$150,000		06/30/13
Southwest	La Plata	Florida Mesa Canal Companies	Canal Seepage Reduction Program	Sep-09	\$0	\$225,000	225,000	Technical assistance regarding permitting feasibility studies and environmental compliance; and study or analysis of structural project or activity	C150463	\$225,000			06/30/11
Southwest	San Miguel	Town of Norwood	Raw Water System Update and Future Needs Study	Jan-10	\$0	\$58,458	58,458	Study/analysis of consumptive water project or activity	1000000085	\$58,458			06/30/11
Southwest	Montezuma	Goodman Point Water Association	Goodman Point Phase 2	Sept-07	\$20,000.00	\$240,000	260,000	Structural Project	C150462	\$260,000			06/30/12
Southwest	Montezuma	Mancos Conservation District	Mancos River Diversion Project, Phase I	Nov-09	\$24,753	\$0	24,753	Study/analysis of structural nonconsumptive water project or activity	10000000111	\$24,753			12/30/10
Southwest	La Plata	Red Mesa Reservoir and Ditch Company	Red Mesa Dam & Reservoir - Incremental Damage Analysis (IDA) & Emergency Action Plan (EAP)	May-09	\$29,000	\$0	\$29,000	Study or analysis of structural/nonstructural water needs, projects	1000000061	\$29,000			12/31/11
Southwest Basin Total Request					473,053	\$2,073,458	2,546,511						
Number of Projects		14											
Gunnison	Delta	Leroux Creek Water Users Association (LCWUA)	Safety and Serviceability Needs Inventory for Reservoirs in the Leroux Creek Drainage Basin	May-07	60,000	\$0	60,000	Study/Analysis	8000000008	\$60,000	\$10,000		06/30/08
Gunnison	Gunnison	North Fork Water Conserv District (NFWCD) and Fire Paonia Reservoir & Reservoir Company (FMCC)	Sedimentation Management Study For Paonia Reservoir - North Fork of the Gunnison	Sept-07	79,000	\$230,000	309,000	Study/Analysis	C150414	\$309,000	\$10,000		12/31/10
Gunnison	Delta	Overland Ditch and Reservoir Company	Overland Reservoir Dam Expansion/Restoration	Sept-07	0	\$68,000	68,000	Feasibility Study and Environmental Permitting Assistance	8000000038	\$68,000	\$0		08/31/08
Gunnison	Hinsdale	Upper Gunnison WCD	Phase II Engineering for Lake San Cristobal Outlet Modification	July-08	75,265	\$0	75,265	Study of structural project/activity	9000000041	\$75,265	\$0		01/31/09
Gunnison	Hinsdale	Upper Gunnison WCD	Lake San Cristobal Outlet Structure Modification--Phase III	Sep-08	0	\$120,960	120,960	Studies or analysis of structural, nonstructural, consumptive, non consumptive water needs projects	C150444		\$0		06/30/11
Gunnison	Ouray	Town of Ridgway	Ridgway Ditch and Lake Otonawanda Improvement Project	Mar-09	109,500	\$0	109,500	Technical Assistance Regarding Permitting, Feasibility Studies, and Environmental Compliance; and Study or Analysis of a Structural Project	C150455	\$109,500	\$27,380		06/30/11
Gunnison	Ouray	City of Ouray	Development of Augmentation Supplies	May-09	50,000	\$0	50,000	Structural and/or nonstructural water project or activity	10000000041	\$50,000	\$87,129		06/30/11
Gunnison Basin Total Request					373,765	\$418,960	792,725						
Number of Projects		8											

Gunnison	Ouray	Town of Ridgway	Improvement Project	Mar-09	109,500	\$0	109,500	Structural Project	C150455	\$109,500	\$27,380	06/30/11
Gunnison	Ouray	City of Ouray	Development of Augmentation Supplies	May-09	50,000	\$0	50,000	Structural and/or nonstructural water project or activity	10000000041	\$50,000	\$87,129	06/30/11
Gunnison Basin Total Request					373,765	\$418,960	792,725	ATTACHMENT 10C				
Number of Projects		8										
Metro	Park, Jeffco, CC, Gilpin	Clear Creek County on behalf of Upper Mountain Counties Water Needs Consortium	Upper Mountain Counties Water Needs Assessment	May 2008	43,587	\$0	43,587	Study/Analysis	C150429		\$8,070	06/30/10
Metro	Denver	Greenway Foundation	South Platte River Recreation and Habitat Feasibility Study	Sep-08	150,000	\$0	150,000	Study/analysis of structural, non structural, nonconsumptive water needs, projects	C150442	\$150,000	\$0	06/30/10
Metro	Arapahoe, Adams Weld	Lost Creek Groundwater Management District	Lost Creek Aquifer Recharge and Storage Study	Jan-09	80,000	\$0	80,000	Studies or analysis of structural, consumptive water projects	C150447	\$160,000	\$13,000	06/30/11
Metro Basin Total Request					273,587	\$0	273,587					
Number of Projects		4										
North Platte		Town of Walden	Town of Walden Water Supply Improvement Project	Jul-08	385,000	\$0	385,000	Structural &/or Non-structural water project or activity	C150431	\$385,000	\$0	06/30/10
North Platte		USFS	Effects of Mtn pine beetle & forest mgmt on water quantity, quality, & forest recovery N.P. and Upper CO River basins	Sep-08	212,306	\$164,618	376,923	Studies or analysis of nonstructural project or activity	C150440	\$376,923	In-Kind	06/30/13
North Platte		CSU	Identification and assessment of important wetlands in N.P. River watershed	Sep-08	86,000	\$96,000	182,000	Studies or analysis of nonconsumptive water needs project or activity	C150433	\$182,000	\$10,000	06/30/10
North Platte		Colorado Climate Center--CSU	Monitoring the effects of weather conditions on the evapotranspiration in N.P. Basin	Sep-08	50,409	\$50,409	100,818	Studies or analysis of consumptive water needs project or activity	C150438	\$100,818	Volunteer	
North Platte Basin Total Request					733,715	\$311,027	1,044,741					
Number of Projects		4										
Rio Grande		San Luis Valley Irrigation District	Preliminary Design Multi-use Rio Grande Reservoir Rehabilitation and Enlargement	Mar-07	0	\$288,000	288,000	Study/Design for Structural Water Project	C150402	\$288,000	\$0	06/30/10
Rio Grande		Santa Maria Reservoir Company	Santa Maria and Continental Reservoirs: Rehabilitation and Multiple Use Studies	Sep-08	50,000	\$141,700	191,700	Studies or analysis of nonstructural project or activity. Structural and/or nonstructural water project or activity	C-150443		\$18,300	06/30/11
Rio Grande		Colorado Rio Grande Restoration Foundation	2008 Rio Grande Riparian Stabilization Project	Sep-08	35,000	\$250,000	285,000	Structural and/or nonstructural water project or activity	C150452		\$356,000	12/31/12
Rio Grande		Conejos Water Conservancy District	Platoro Reservoir Restoration	Sep-08	50,000	\$200,000	250,000	Structural and/or nonstructural water project or activity	C150448	\$250,000	\$250,000	06/30/11
Rio Grande		Manassa Land and Irrigation Company	Conejos River and North Branch Diversion and Stabilization	Sep-08	50,000	\$333,700	383,700	Structural and/or nonstructural water project or activity	C150446	\$383,700	\$98,000	06/30/10
Rio Grande		San Luis Valley Irrigation District	Rio Grande Reservoir Multi-Use Rehabilitation: Refinement and Enhancement of Reservoir Reoperation and Optimization Model	Nov-08	100,000	\$0	100,000	Structural and/or nonstructural water project or activity	C150437	\$100,000	\$0	06/30/10
								Environmental compliance & feasibility study, technical assist regarding feasibility studies & environmental compliance, analysis of consumptive & nonconsumptive water projects	10000000056		\$0	06/30/11
Rio Grande		Colorado Rio Grande Restoration Foundation	Rio Grande Conservation Reserve Enhancement Program (CREP) Phase II - Implementation	Sep-09	31,500	\$0	31,500	Structural and/or nonstructural water project or activity	C150458	\$254,000	\$46,500	07/31/11
Rio Grande		Trinchera Irrigation Company	Sangre de Cristo Trinchera Diversion Canal Restoration	Sep-09	\$104,000	\$150,000	254,000					
Rio Grande Basin Total Requests					420,500	\$1,363,400	1,783,900					
Number of Projects		8										
South Platte		District 64 Reservoir Company	Ovid Reservoir Comprehensive Feasibility Study	Sept-07	176,000	\$0	176,000	Study/Analysis of Structural Water Project	C150417	\$176,000	\$1,000,000	06/30/10

Number of Projects		8											
South Platte		District 64 Reservoir Company	Ovid Reservoir Comprehensive Feasibility Study	Sept-07	176,000	\$0	176,000	Study/Analysis of Structural Water Project	C150417	\$176,000	\$1,000,000	ATTACHMENT 10C	06/30/10
South Platte		Northern Colorado Water Conservancy District	Stage Discharge Data Loggers and Telemetry	Jan-08	48,800	\$0	48,800	Structural Activity	8000000120	\$48,800			10/30/08
South Platte		Clear Creek County on behalf of Upper Mountain Counties Water Needs Consortium	Upper Mountain Counties Water Needs Assessment	May 2008	130,763	\$0	130,763	Study/Analysis	C150429		See Metro		06/30/10
South Platte		Ducks Unlimited, Inc.	Weld County School Dist RE1 Wetland Partnership	Jul-08	42,110	\$0	42,110	Structural water project or activity	9000000063	\$42,110	\$160,000		07/31/11
South Platte		Colorado Foundation for Water Education	Solicitation of Stakeholder Input through a South Platte Edition of Headwaters	Jul-08	16,019	\$0	16,019	Non-structural water project or activity	9000000019	\$32,038	\$10,900		
South Platte		Ducks Unlimited	S.P. Water protection and restoration	Sep-08	0	\$825,552	825,552	Structural and/or nonstructural water project or activity	C150432	\$825,552	\$2,000,000		06/30/10
South Platte		The Nature Conservancy of Colorado	Arickaree River Well retirement program, Republican River basin, CO.	Sep-08	19,984	\$79,936	99,920	Studies or analysis of nonstructural project or activity. Structural and/or nonstructural water project or activity	09000000084	\$99,920	\$471,920		12/31/09
South Platte		City of Greeley	Halligan Seaman Water Mgmt project share vision planning model	Sep-08	25,435	\$76,305	101,740	Environmental compliance/Technical Assistance/Studies or analysis of structural, nonstructural, consumptive, nonconsumptive water needs projects	C150436	\$101,740	\$271,109		06/30/10
South Platte		Lost Creek Groundwater Management District	Lost Creek Aquifer Recharge and Storage Study	Jan-09	80,000	\$0	80,000	Studies or analysis of structural, consumptive water projects	C150447		See Metro		06/30/11
South Platte		Ducks Unlimited, Inc.	Central South Platte Wetland Partnership	Mar-09	150,000	\$0	150,000	Environmental Compliance and Feasibility Study and Structural Water Project	C150454		\$565,000		
South Platte		Fort Morgan Reservoir and Irrigation Company (FMRICo)	FMRICo Recharge & Wetlands Project	Sep-09	\$250,000	\$420,000	\$670,000	Structural and/or nonstructural water project or activity	C150464	\$670,000			
South Platte Basin Total Request					939,111	\$1,401,793	2,340,904						
Number of Projects		12											
Y/W/G		City of Grand Junction	Energy Development Water Needs Assessment (300,000 Joint Application see Colorado)	Mar-07	0	\$150,000	150,000	Study of consumptive water needs associated with energy development in the Colorado, White and Yampa river basins	C150407	\$300,000	\$0		12/31/10
YWG		Moffat County	Agricultural Water Needs Assessment	Jan-08	201,410	\$0	201,410	Study or analysis of structural/nonstructural and consumptive/nonconsumptive needs	C150418	\$201,410	\$0		12/31/10
YWG		City of Steamboat Springs and Routt County	Common Data Repository	Jan-08	106,600	\$0	106,600	Study or analysis of consumptive/nonconsumptive needs	C150423	\$106,600	\$50,000		6/31/10
Y/W/G		Town of Yampa	Town of Yampa Water Facilities Plan and storage tank upgrades	Sep-08	61,062	\$0	61,062	Studies or analysis of structural and consumptive water needs projects or activity. Structural and/or nonstructural water project or activity	9000000090		\$15,626		06/30/10
Y/W/G		Moffat County	Sandwash basin coalbed methane production depletive effects on water resources	Sep-08	20,000	\$98,835	118,835	Studies or analysis of consumptive water needs project or activity	C150435		\$2,000		06/30/11
Y/W/G		Colorado Foundation for Water Education	Headwaters Magazine - January 2010	Sep-09	20,000	\$0	20,000	Study or analysis of structural, non structural, consumptive, and nonconsumptive water needs and projects	10000000050		\$22,938		06/30/10
Y/W/G		Community Agriculture Alliance, Inc.	Development and Implementation of Water Forums, Workshop, and/or Tours	Sep-09	10,000	\$0	10,000	Study or analysis of structural, non structural, consumptive, water needs and projects	10000000046		\$2,675		06/30/11
Y/W/G Basin Total Request					419,072	\$248,835	667,907						

WSRA Open Grant Projects - Approved by the Board - Not Yet Contracted								Updated 04/30/10	
Basin		Applicant	Name of Water Activity	CWCB Meeting	Basin Account Apprvd	Statewide Account Apprvd	Total Request	Type of Water Activity	PM
2010 January County									
Yampa/White/Green	Rio Blanco/Garfield/Moffat	Yellow Jacket Water Conservancy District	Water Storage Feasibility	Jan-10	\$220,800	\$0	\$220,800	Technical assistance regarding permitting, feasibility studies, and environmental compliance. Study of Structural Project	Jacob
Yampa/White/Green	Rio Blanco/Garfield/Moffat	The Nature Conservancy	Yampa White Basin Nonconsumptive Needs Assessment Watershed Flow Evaluation Tool	Jan-10	\$169,002.35	\$0.00	\$169,002	Study/analysis of nonconsumptive water project or activity	Jacob
2009 November Board Approvals									
Southwest	All Counties in SW Basin	Conserving Farmlands Partnership	Protecting Irrigated Agricultural Lands and Water Rights for Agricultural Production	Nov-09	\$31,500	\$0	\$31,500	Study/analysis of nonstructural consumptive water project or activity	Todd
2009 September Board Approvals									
Arkansas	Pueblo	City of Pueblo	Bedload/Sediment Collection and Removal Technology - Fountain Creek	Sep-09	\$40,000	\$185,000	\$225,000	Study or analysis of structural, non structural, nonconsumptive water needs, projects	Todd
Metro		South Metro	Aquifer Recharge Pilot Study	Sep-09	\$0	\$550,000	\$550,000	Study or analysis of consumptive water project or activity	Jacob
Metro		Douglas County Water Resource Authority	Feasibility Study for Bureau of Reclamation Funding from the National Rural Water Supply Act	Sep-09	\$175,000	\$500,000	\$675,000	Technical assistance regarding permitting feasibility studies and environmental compliance; and study or analysis of structural project or activity	Jacob
Rio Grande		Mineral County Fairgrounds Association	Lower Willow Creek Restoration Project	Sep-09	\$50,000	\$200,000	\$250,000	Structural and/or nonstructural water project or activity	Greg
Southwest	La Plata	San Juan Resource Conservation and Development - Animas Watershed Project	Animas River Needs Assessment	Sep-09	\$57,000	\$0	\$57,000	Study or analysis of non structural, nonconsumptive water needs and projects	Greg
Yampa/White	Garfield,Routt	Bear River Reservoir Company	Stillwater Reservoir Seepage Project	Sep-09	\$189,000	\$0	\$189,000	Structural and/or nonstructural water project or activity	Jacob
2008 September Board Approvals									
Colorado	Garfield	USFS	Battlement Reservoir #3 Dam reconstruction to enhance recreational & environmental opportunities	Sep-08	\$80,000	\$0	\$80,000	Structural and/or non structural water project or activity	Eric
Metro/South Platte		Water Reuse Foundation	Demonstration of membrane zero liquid discharge process for drinking water systems (\$50,000 Metro Basin Fund Contribution)	Sep-08	\$50,000	\$233,333	\$283,333	Technical assistance regarding permitting feasibility studies and environmental compliance	Greg
2008 March Board Approvals									
Colorado	Grand County	East Grand Water Quality Board	Fraser Sedimentation Basin	Mar-08	\$20,000.00	\$107,000.00	\$127,000.00	Structural Water Project	Greg

Colorado	Garfield	USFS	environmental opportunities	Sep-08	\$80,000	\$0	\$80,000	water project or activity	Eric
Metro/South Platte		Water Reuse Foundation	Demonstration of membrane zero liquid discharge process for drinking water systems (\$50,000 Metro Basin Fund Contribution)	Sep-08	\$50,000	\$233,333	\$283,333	Technical assistance regarding permitting feasibility studies and environmental compliance	Greg
2008 March Board Approvals									
Colorado	Grand County	East Grand Water Quality Board	Fraser Sedimentation Basin	Mar-08	\$60,000.00	\$127,900.00	\$187,900.00	Structural Water Project	Greg

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ATTACHMENT 10D

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

May-10

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 East Mancos Highline Ditch Company	Ditch Rehabilitation Project - Pipeline	Montezuma	\$ 904,000	30,360 LF	869		100%	Nov-07	Nov-09	100%
2 Headgate 135 Lateral, Inc.	Ditch Rehabilitation - Pipeline	Mesa	\$ 262,200	4,800 LF	1,000		100%	Oct-08	Nov-09	100%
3 Silt Water Conservancy District	System Rehabilitation Project	Garfield	\$ 1,019,700	18,000 AF	18,000		100%	Nov-05	Dec-09	100%
4 WRCC, Inc.	Windsor Dam and Spillway Rehabilitation	Larimer	\$ 1,285,730	35,000 AF	35,000		100%	Jun-08	Dec-09	100%
5 Granby Ditch and Reservoir Company	Granby No. 12 Dam Rehabilitation Project	Delta	\$ 254,520	838 AF	2,000	250	100%	Jun-09	Mar-10	100%
6 Water Supply and Storage Company	Ditch and Outlet Rehabilitation	Larimer/Weld	\$ 843,500	100 L.F.	55,000		100%	May-09	Apr-10	100%
7 Center of Colorado Water Conservancy District	Tingle Reservoir Construction	Park	\$ 454,500	400 AF	400	400	100%	Sep-08	Oct-09	100%
Total =			\$ 5,024,150	Total =	112,269	650				
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	Jun-10	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 Orphan Wells of Wiggin, LLC	Well Augmentation Project	Morgan	\$ 1,037,700	6,000 AF	6,000		100%	Nov-03	On-hold	95%
4 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%
5 Dolores Water Conservancy District	WETPACK	Montezuma	\$ 4,700,000	6,000 AF	6,000		100%	Oct-04	Payoff	50%
6 Parker Water and Sanitation District	Rueter-Hess Reservoir Project	Douglas	\$ 15,000,000	16,200 AF	16,200	16,200	100%	Jul-04	Jul-10	75%
7 Mancos Water Conservancy District	Inlet and Outlet Canal Rehabilitation	Montezuma	\$ 5,486,531	15,840 LF	9,000		75%	Jan-04	Jan-14	70%
8 Upper Arkansas Water Conservancy District	Reservoir Rehabilitation	Chaffee/Custer	\$ 3,520,000	500 AF	500	200	100%	Jun-05	Jul-10	95%
9 Debeque, Town of	Raw Water Distribution System	Mesa	\$ 252,500	3,000 LF	710		100%	Mar-07	De-author.	100%
10 Union Ditch Company	Well Augmentation Project	Weld	\$ 312,595	206 AF	206		75%	Sep-06	Sep-10	80%
11 Bijou Irrigation District	Empire Reservoir Rehabilitation - Dam Rehab.	Morgan/Weld	\$ 2,408,850	19,900 AF	19,900	2,682	100%	Nov-07	Feb-11	85%
12 Lower Poudre Augmentation Company	Reservoir and Water Rights Purchase	Larimer/Weld	\$ 3,104,053	657 AF	657		100%	Oct-07	Nov-10	65%
13 Bull Creek Reservoir Company	Reservoir Rehabilitation Project	Mesa	\$ 1,212,000	900AF	900	900	100%	Jul-08	Oct-10	95%
14 Aurora, City of	Raw Water Distribution System	Adams/Douglas	\$ 75,750,000	33 miles	10,000		100%	Jan-08	Jun-10	99%
15 Overland Ditch and Reservoir Company	Overland Reservoir Rehabilitation	Delta	\$ 1,130,000	6,200 AF	17,000	971	95%	May-08	Nov-10	5%
16 Montezuma Valley Irrigation Company	May Lateral Pipeline	Montezuma	\$ 5,292,400	5 Miles	128,000		100%	Nov-07	Jun-10	99%
17 Platte Valley Irrigation Company	Equalizer Reservoir Project	Weld	\$ 2,388,650	431 AF	52,401	431	100%	Nov-10	May-11	5%
18 Greeley Irrigation Company	Greeley Canal No. 3 Rehabilitation	Wied	\$ 2,233,867	18,000 AF	18,000		90%	Feb-08	Sep-10	90%
19 Henrylyn Irrigation District	Horse Creek & Prospect Reservoir Rehabilitation	Weld	\$ 2,184,327	13,850 AF	13,850	3,000	100%	Nov-08	Jul-10	85%
20 New Salida Ditch Company	Ditch Rehabilitation	Chaffee	\$ 365,620	300 L.F.	7,000		100%	Oct-09	Jul-10	95%
21 Wood Lake Mutual Water and Irrigation Company	Angel Lake Outlet Repair	Weld	\$ 212,706	424 AF	848	100	100%	Sep-08	Sep-10	15%
22 Farmers Pawnee Canal Company	Ditch Flow Control Structures	Logan	\$ 227,250	27,260	27,260		100%	Oct-08	Jul-10	95%
23 North Sterling Irrigation District	North Sterling Reservoir Rehabilitation	Logan	\$ 1,094,840	74,590 AF	82,207		100%	Sep-09	Jul-10	95%
24 Republican River Water Conservancy District	Compact Compliance Pipeline	NE. Colo	\$ 60,600,000	15,000 AF	15,000		90%	Nov-08	Nov-10	5%
25 Ogilvy Augmentation Company	Well Augmentation	Weld	\$ 1,010,808	60 AF	60		60%	Dec-08	Jul-10	80%
26 Boulder White Rock Ditch and Reservoir Company	Panama Reservoir Outlet Rehabilitation	Boulder/Weld	\$ 2,864,164	300 L.F.	12,000	2,600	100%	Oct-09	Jul-10	95%
27 Snowmass Water and Sanitation District	Zeigler Reservoir Water Management System	Pitkin	\$ 1,952,805	1,800 AF	1,800		100%	Sep-09	Sep-10	90%
28 Farmers Reservoir and Irrigation Company	Milton Reservoir and Barr Lake Improvement Proj.	Adams/Weld	\$ 3,535,000	64,900 AF	125,000		100%	Oct-09	Jan-11	35%
29 Raymond Dairy, Incorporated	Robert Raymond Concrete Ditch Reconstruction	Mesa	\$ 63,950	2,500 L.F.	386		100%	Nov-09	Jul-10	75%
30 Lower Latham Reservoir Company	Well Augmentation Project	Weld	\$ 3,811,573	5,705 AF	5,705		100%	Nov-09	May-11	40%
31 Trinchera Reservoir Company	Smith Reservoir Rehabilitation Project	Costilla	\$ 606,000	5,000 AF	26,700	1,100	100%	Nov-09	Jul-10	95%
32 Pagosa Area Water and Sanitation District	Dry Gulch Reservoir Land Acquisition	Archuleta	\$ 11,217,060	35,000 AF	35,000	35,000	n/a	Nov-08	Mar-20	n/a
Total =			\$ 240,975,249	Total =	656,090	67,884				
Projects Under Design										
1 Supply Irrigating Ditch Company	Knoth Reservoir Dam Rehabilitation	Boulder	\$ 1,515,000	4,800 AF	4,800	400	95%	Jan-10	On-hold	0%
2 Owl Creek Reservoir Company	Owl Creek Reservoir Rehabilitation	Weld	\$ 1,125,000	1200 AF	1,200	1,200	99%	Jul-10	Nov-10	0%
3 Southeastern CO Water Conserv. District	Arkansas Valley Conduit	Crowley	\$ 60,600,000	138 Miles	6,555		20%	Nov-10	May-12	0%
4 Penrose Water District	Water Rights Purchase and Pipeline Installation	Fremont	\$ 8,844,570	30,624 LF	339		35%	Oct-10	Sep-11	0%
5 Seven Lakes Reservoir Company	Railroad Crossing	Weld	\$ 772,842	7,796 AF	7,796		95%	Sep-10	May-11	0%
6 Duel and Snyder Improvement Company	Diversion Structure Rehabilitation	Morgan	\$ 90,900	4,590 AF	4,590		25%	Sep-10	On-hold	0%
7 South Metro Water Supply Authority	Raw Water Delivery - Capacity Purchase	Adams/Denver	\$ 5,090,400	10,750 AF	10,750		100%	Sep-10	May-11	0%
8 Park Center Water District	Well Rehabilitation	Fremont	\$ 1,010,000	3,200 L.F.	400		95%	n/a	n/a	De-author.
9 Louden Irrigating Canal and Reservoir Company, Inc.	Rist Benson Reservoir Rehabilitation	Larimer	\$ 263,210	491 AF	2,000	150	50%	Jul-10	Nov-10	0%
10 Town of Gypsum	LEDE Ditch and Reservoir Rehabilitation	Eagle	\$ 2,689,731	685 AF	1,200	254	80%	Jun-10	Nov-11	0%
11 Town of Dillon	Old Dillon Reservoir Enlargement	Summit	\$ 1,515,000	286 AF	321	140	60%	Sep-10	May-11	0%
12 Joseph W. Bowles Reservoir Company	Bowls No. 1 Dam Rehabilitation	Jefferson	\$ 1,703,870	2,062 AF	900		80%	Jul-10	Feb-11	0%
13 Riverside Reservoir and Land Company	Riverside Reservoir Spillway Enlargement	Weld	\$ 2,838,100	64,000 AF	105,000		50%	Sep-10	May-11	0%
14 Fort Morgan Reservoir and Irrigation Company	Pipeline Project - Augmentation Retiming	Morgan	\$ 1,494,800	15,840 L.F.	37,058		90%	Sep-10	May-11	0%
15 Lake Canal Reservoir Company	South Gray Reservoir Rehabilitation/Gray No. 3	Larimer	\$ 393,300	1,120 AF	1,120	165	80%	Sep-10	Feb-11	0%
16 Riverside Ditch and Allen Extension Company	Ditch System Rehabilitation	Chaffee	\$ 186,345	3,250 LF	3,260		80%	Jul-10	On-hold	0%
17 WRCC, Inc.	Cobb Lake Inlet Structure Rehabilitation	Larimer	\$ 1,301,890	35,000 AF	35,000		90%	Sep-10	Dec-10	0%
18 Huerfano-Cucharas Irrigation Company	Cucharas Reservoir Rehabilitation	Pueblo	\$ 1,622,060	35,395 AF	3,000	7,500	50%	?	?	On-hold
Total =			\$ 93,057,018	Total =	225,289	9,809				

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

**Director's Report Attachment – May 18-19, 2010 Board Meeting
Finance Section
Design and Construction Status Report**

Projects under Construction

1. Grand Mesa Reservoir Company – Rehabilitation of Reservoir No. 1 and No. 9

Authorization: Construction Fund	County: Mesa
Water Source: Gunnison	Project Yield: 1,000 Acre-Feet
Terms of Loan: \$200,000@ 2.4% for 20-years	Project Type: Reservoir Rehabilitation

The Grand Mesa Reservoir Company operates 6 reservoirs on the Grand Mesa to supply water to 16 shareholders for the irrigation of 500 acres. This project involves the replacement of the outlet structures at each reservoir and also addresses seepage problems at each facility. The project was designed by the City of Grand Junction, one of the major shareholders, and is currently being constructed by the City of Grand Junction. The outlet structures have been installed and the seepage problem corrected at both reservoir locations. The City of Grand Junction is draining the two reservoirs to install the new outlet gates. The project has been on hold pending resolution of construction and water rights issues between the City and the Company. These issues have recently been resolved, with the final phase of the project scheduled to commence construction during the summer of 2010.

2. New Cache La Poudre Irrigation Company – Reservoir Construction

Authorization: Construction Fund	County: Weld
Water Source: South Platte	Project Yield: 4,500 acre-feet
Terms of Loan: \$7,200,000 @ 2.50% for 30-years	Project Type: New Reservoir

The New Cache La Poudre Irrigation Company currently provides irrigation water to a 35,000-acre service area. The purpose of this project is to provide water storage to equalize ditch flows, to improve efficiency and the reliability of the Company's system, and for providing additional storage to meet future demands. The project will involve the construction of 3 separate reservoirs near the Town of Barnesville, Colorado, totaling 4,500 acre-feet of storage. Additionally, 8,200 linear feet of pipeline will be installed in construction with the reservoirs. Smith Geotechnical, Fort Collins, Colorado is the project designer. The Barnesville Reservoir project was awarded to Barker Construction, Fort Collins, Colorado and has been completed. The pump station from Barnesville Reservoir to Cornish Reservoir has been completed as well. The design for Cornish Reservoir has been completed and has been awarded to Barker Construction, Fort Collins, Colorado for construction. The Contractor has completed the work and is waiting on final SEO approval. The Company requested that CWCB's cost participation be changed from 75% to 89% to allow the full \$7,200,000 of loan funds to be released, which was approved at the September 2007 Board Meeting. The project will remain open until the land purchased to construct Cornish Reservoir is paid off in 2021.

3. Orphan Wells of Wiggins – Augmentation Project

Authorization: Construction Fund	County: Morgan
Water Source: South Platte Basin	Project Yield: 6,000 acre-feet

Terms of Loan: \$1,037,700 @ 2.5% for 30-years Project Type: Well Augmentation

The Orphan Wells of Wiggins is a new company comprised of 31 separate agricultural operators that own 45 wells which irrigated approximately 4,500 acres of farmland. This project involves the construction of 1 recharge well, 1 augmentation well, various pipeline, and 23 recharge ponds. The project will generate augmentation credits to cover the depletions for the 45 existing wells. The project is currently 90% complete. The project has changed from its original scope to include additional piping and recharge sites. Additionally, the Company has purchased several Riverside Ditch shares that will improve augmentation efforts. The Company was approved for an increase of \$200,000 at the November 2006 Board Meeting to complete the additional recharge sites and for the purchase of the Riverside Ditch shares. These funds have not been distributed. The Company elected to decline presenting its case in court last year, given strong objectors and the lack of senior water in its augmentation plan. Based on that decision the Company will not be able to operate and are currently in the process of dissolving the Company. CWCB is currently working with a few interested parties in purchasing the Company assets, which would be used to pay off or pay down the Company's existing debt with CWCB. Staff has met with the board members and they agreed to substantially complete the project and put the project in repayment. They have requested that the interest that has accumulated be forgiven, which staff has denied given the precedent it would make and project history. The Board would like to make their 2010/11 payment and also actively pursue selling off a large portion of their augmentation system. They would like to maintain some control of their assets by making their required 2010 payment. Staff did meet with the Company's Board Members in March 2010. The Board is currently pursuing the sale of 10 shares of Riverside Shares to hopefully generate approximately \$750,000 in revenue, which would be applied to its current outstanding loan balance with CWCB. This would leave a balance of approximately \$200,000 that the Company would like to re-amortize and continue to make payments on. They have requested to go before the Board at the July 2010 meeting to discuss forgiveness of its outstanding interest balance of approximately \$140,000.

4. Central Colorado Water Conservancy District - Water Rights Purchase and Gravel Pit Const.

Authorization: Construction Fund

Water Source: South Platte

Terms of Loan: \$20,000,000 @2.75% for 30-years
Supply/Augmentation

County: Adams, Weld, Morgan

Project Yield: 12,300 acre-feet

Project Type: Water

The CCWCD, located in Adams, Weld, and Morgan Counties has a service area of 300 square miles. The Sub district has 650 members with 966 junior wells and has operated an augmentation plan for these members since 1973. On December 17, 2001, the Colorado Supreme Court issued a judgment that changed the manner of operation for substitute supply plans in Colorado. The ruling stated that the State Engineer did not have the legal authority to approve substitute supply plans. The Court also stated that substitute supply plans, such as the one operated by CCWCD would either have to file for a decree in Water Court or follow new Rules and Regulations to be issued by the State Engineer. This ruling has required CCWCD to acquire more senior water rights as well as build additional storage to augment out-of-priority diversions. CCWCD is in the process of acquiring additional senior water rights. To-date the District has been approved for 3-separate loans, \$15,000,000, \$5,000,000, and \$20,000,000. The \$20,000,000 loan was recently approved at the November 2004 Board Meeting, for a total project loan authorization of \$40,000,000. The \$15,000,000 and \$5,000,000 were substantially completed in June of 2005. Central has completed efforts for the GMS Sub-district and are currently working on improvements to the WAS Sub-district. The WAS project is approximately 90% complete. The District has received a final ruling and were issued a decree. The District's decree is available for

review for anyone interested in the final ruling. From the ruling the WAS Sub-district will not operate in 2008, but are hoping to operate at approximately 10% in 2009, contingent upon additional water being secured for post depletions in future years. The District is currently investigating existing wells in the Arapahoe Groundwater Basin to meet their future water needs as required by their decree, which stipulates a 7-year banked or available water source in future years. Furthermore, the District is working towards the completion of the Shores Project (Pond D and E) and is pursuing the issuance of Bonds to cover current and future water and infrastructures purchases that will improve their overall decree. CWCB staff has indicated that it will not grant parity if the District elects to pursue the issuance of a bond.

5. Dolores Water Conservancy District - WETPACK

Authorization: SB 01-157
Water Source: Dolores River

Terms of Loan: \$5.4M @3.50% for 30-years

County: Montezuma

Project Yield: 6,000 acre-feet

Project Type: Distribution System

The District's WETPACK (Water for Everyone's Tomorrow Package) proposal is intended to better manage the available resources of the Dolores Project to provide an additional 3,300 acre-feet of water for the fishery below McPhee Dam, increase municipal water supplies, and to provide water of the irrigation of additional lands. This project involves a system of pipelines, pumps, and related facilities to deliver water to the District's Dove Creek Canal system for the irrigation of 4,000 acres of new lands that are presently dry land farmed. Water will be delivered to irrigators in pipes under pressure for sprinkler irrigation only. Harris Water Engineers, of Durango, Colorado, is the planning and design consultant for the project. The project involved the purchase of water shares and the construction of pressurized pipe systems at various locations within the valley. The original cost estimate to complete the project was \$8M, which reduced to \$6M with a final loan contract of \$5.8M. In 2005 the District indicated that full build out of the project was probably not going to occur, given crop production cost versus the cost to supply pressurized water. Therefore in 2005, CWCB approved an amendment to the District's existing loan contract, allowing the \$2.6M in completed work to be finalized under a separate contract and the remaining loan amount of \$3.2M to be transferred over to a new contract for future work. The \$2.6M loan contract that was finalized was collateralized by the original annuity that was setup for the full \$5.8M loan contract. Given the current trends in the financial market the District's annuity bond rating was downgraded from AAA to AA. The new rating not only changed the collateral standing with CWCB, but it also reduced the District's annual investment return. Given these changes and the lack of progress with future pipeline projects, the District has elected to payoff the \$2.6M loan, to eliminate the collateral concern with CWCB, and do de-authorize the \$3.2M loan for future pipeline projects. The District's payoff was received in May of 2009.

6. Parker Water and Sanitation District – New Reservoir Construction

Authorization: Construction Fund
Water Source: Cherry Creek

Terms of Loan: \$15,000,000 @4.75% for 20-years

County: Douglas

Project Yield: 16,200 acre-feet

Project Type: Reservoir Construction

The Parker Water and Sanitation District is currently in the design phase to construct the Rueter Hess Project for the storage of municipal water for its 7,924 customers. The new reservoir will provide terminal storage for use within the District's existing 8,596-acre service area. The reservoir will be located 3 miles southwest of Parker on Newline Gulch. The proposed reservoir will be a Class I structure, 135 feet high, impounding approximately 16,200 acre-feet of water.

GEI Consultants, Denver, Colorado, will be putting together the final design and construction documents. Major land purchases have been completed and the Rueter Hess Reservoir and other related project activities are currently under construction. The entire project is anticipated to be completed by the fall/winter of 2008. Parker Water has approved the expansion of the reservoir to accommodate the requested needs of other water users in the area (Castle Rock and Castle Pine North). The foundation work on the reservoir was expanded to accommodate this potential enlargement. The District is currently constructing the reservoir expansion. The final storage capacity of the reservoir will be approximately 72,000 acre-feet. There has not been a disbursement on this loan since 2004. T-date Parker Water has received \$2,800,250 in disbursements on a \$15M loan.

7. Mancos Water Conservancy District - Canal Rehabilitation

Authorization: Severance Tax Perpetual Account	County: Montezuma
Water Source: West Mancos River	Project Yield: 9,000 acre-feet
Terms of Loan: \$5,486,531 @2.80% for 30-years	Project Type: Canal Rehabilitation

The Mancos Water Conservancy District supplies irrigation and municipal water within a 13,496 acre service area. The District's carriage facility is over 50-years old and the U.S. Bureau of Reclamation has recommended rehabilitation of the inlet and outlet canals. The proposed project is to rehabilitate inlet and outlet canals to the Jackson Gulch Reservoir and to replace its operational shops and headquarters. The District's goal is to have the entire project completed by 2014. The District has performed test sections with various lining materials to assist in determining the final design package for the ditch rehabilitation. The District has been in the process of asking the Federal Appropriations Committee for \$6,200,000 in grant funds to assist in completing the project, which was approved in March of 2009. The District is currently working on securing the funds by the end of 2009. They are anticipating a \$2,600,000 appropriation for 2010. If the grant funds are secured the overall project is scheduled for completion in January of 2014. The District did undertake the rehabilitation of the critical portion of their ditch system last summer, involving the construction of retaining walls and access road along the ditch. For this summer the District is currently in the bid process for another critical section of the ditch. Construction is anticipated to commence in August of 2009. Approximately \$1.6M in federal dollars was appropriated for the project in September of 2009, which will be available in 2010.

8. Upper Arkansas Water Conservancy District – N. Fork Reservoir Rehabilitation

Authorization: Severance Tax Fund	County: Chaffee/Custer/Fremont
Water Source: N. Fork of S. Arkansas	Project Yield: 500 acre-feet
Terms of Loan: \$3,520,000 @ 3.50% for 30 yrs.	Project Type: Reservoir Rehabilitation

The UAWCD has operated the North Fork Reservoir since 1979 for domestic, municipal, industrial, recreational, and augmentation water supply. The reservoir is at elevation 11,400 feet and is located approximately 10 miles from Maysville on the North Fork of the South Arkansas River. This project involves replacement of the outlet gate, improved access, increased spillway capacity, seepage control, and raising the dam 15-feet to achieve a storage capacity of 500 acre-feet. The project is located on Forest Service property, which required a special use permit and an environmental assessment prior to construction. The project was awarded to ASI, Buena Vista, Colorado, who commenced construction in August of 2006 and completed the work in May of 2007. The District will not be pursuing enlargement of the reservoir, due to issues associated with the Forest Service and the NEPA process. The District is currently working on

remote monitoring equipment for North Fork Reservoir, and the NEPA process to continue operating at historic levels. The overall project is anticipated to be completed by July of 2010.

9. DeBeque, Town of – Irrigation System Improvement Project

Authorization: Severance Tax Fund
 Water Source: Mancos River
 Terms of Loan: \$427,700@ 2.5% for 30 yrs.

County: Montezuma
 Project Yield: 1,781 acre-feet
 Project Type: Ditch Rehabilitation

The Town of DeBeque is constructing a new collection structure in the Colorado River and pump/piping system as part of the Irrigation System Improvements Project. The Project is expected to cost \$370,000 and provide an improvement to the Town's irrigation water delivery system. The improvements will increase delivery quantity and efficiency and will also reduce the demand on the Town's drinking water supply. The Town is located approximately 30 miles east of Grand Junction and serves 480 residents with sewer and water. The present irrigation system serves approximately half of the Town's residence however the system is often low on pressure and unreliable. In addition to increasing system reliability, this project will help utilize a recently acquired 3.5 cfs surface water right on the Colorado River. The project involves the construction of new diversion/control structure at the river, pump house, and 3,000 feet of pipeline to the town's existing storage tank. The pipeline and storage tank have been completed. The construction of the river diversion was recently completed in November of 2008. The Town has elected not to utilize CWCB loan funds for the project. The project was de-authorized at the November 2009 Board Meeting.

10. Union Ditch Company – Well Augmentation Project

Authorization: Severance Tax Trust Fund
 Water Source: South Platte River
 Terms of Loan: \$312,595 @2.50% for 320-years

County: Weld
 Project Yield: 206 acre-feet
 Project Type: Well Augmentation

The Union Ditch Company provides irrigation water to an area of 5,500 acres east of the Town of LaSalle and south of Greeley. The Union Ditch Company has filed application for an augmentation plan to provide replacement water for 40 junior wells owned by the shareholders, formerly serviced by GASP. This project involves the development of 3 recharge ponds, placement of flow measurement devices, and headgate structures into the ponds. The ponds will be filled by gravity flow from the Union Ditch. Union Ditch Company is currently constructing one recharge pond at the Miller Feedlot Site with an accompany diversion structure on the Union Ditch. The overall augmentation efforts are anticipated to be completed by July of 2010, which has required a time extension to their loan contract.

11. Bijou Irrigating District – Empire Reservoir Rehabilitation Project

Authorization: Severance Tax Fund
 Water Source: South Platte River
 Terms of Loan: \$4,454,100@2.25% for 30 yrs.

County: Morgan/Weld
 Project Yield: 19,900 acre-feet
 Project Type: Reservoir Rehabilitation

The District is a statutory Irrigation District (1905) and owns and operates Empire Reservoir located west of Fort Morgan in Weld and Morgan Counties. It is an off-stream reservoir primarily impounded by four separate dams constructed in about 1905. Water is diverted from the South Platte River through the Empire Intake Ditch. The water storage rights are 37,709 acre-feet and there is one refill right. The water storage at gage height (GH) 30.0 is 36,142 AF. The

reservoir has been re-restricted to a GH 29.0 by the SEO due to wind erosion problems along the east embankment. The proposed project consists of repairing failed sections of parapet walls, removing trees along the upstream toe of the dam, and adding additional riprap slope stabilization along the East Dike Embankment. This will allow the reservoir to be filled to its full gage height. The one-foot increase in storage height will result in 2,682 AF of recovered storage. The District has completed the 1st phase of the East Dike, which involved the reconstruction of approximately 8,500 feet of dam embankment. The remaining 4,000 feet of dike improvement will be completed during the fall/winter of 2009/2010. Given the increased cost of fuel and materials the loan contract was increased from \$2,408,500 to \$4,454,100 at the November 2008 Board Meeting. The District is approximately 85% complete with the 2nd phase of the East Dike.

12. Lower Poudre Augmentation Company – Reservoir and Water Rights Purchase

Authorization: Severance Tax Fund
 Water Source: South Platte
 Terms of Loan: \$3,104,053@2.50% for 30 yrs.

County: Larimer/Weld
 Project Yield: 657 acre-feet
 Project Type: Reservoir & Water Rights

The Lower Poudre Augmentation Company (LPAC) is a non-profit company that was incorporated in 2004, by the New Cache La Poudre Irrigating Company (2/3 interest) and the Cache La Poudre Reservoir Company (1/3 interest). There are 88 wells owned by 35 individuals/entities and the augmentation demands are approximately 3200 AF. The LPAC has filed for a permanent Augmentation Plan, and has operated on a Substitute Water Supply Plan for 3-4 years. LPAC proposes to purchase the Timnath Flatiron Reservoir, and 4.5 shares of Boxelder Ditch, and construct the necessary improvements to utilize the reservoir for augmentation purposes. The reservoir currently has a storage capacity of approximately 657 AF, with a depth of 12-15 feet. The reservoir area was mined for sand and gravel and lined with clay once mining was complete. The reservoir has received SEO certification as a lined gravel pit storage facility. The Company has purchased the reservoir and water rights and is currently completing the design for the reservoir structural improvements.

13. Bull Creek Reservoir Canal and Power Company – Reservoir Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Colorado River
 Terms of Loan: \$1,212,000@ 2.5% for 30 yrs.

County: Mesa
 Project Yield: 900 acre-feet
 Project Type: Reservoir Rehabilitation

The Bull Creek Reservoir, Canal and Power Company are located in Mesa, Colorado, and have a service area of approximately 800 acres. The Company operates the Bull Creek Reservoirs that provide irrigation water to shareholders. The Company plans to repair and enlarge Reservoir No. 4. This will remove the current restriction on the reservoir and provide additional storage necessary to store the Company's decreed rights. The Company has a Stipulation and Agreement with the SEO that requires the Company to repair Reservoir No. 4 in order to avoid abandonment of a portion of the senior water rights. The Project is located on the US Forest Service property and will require a Special Use Permit for access roadway work and dam construction. The reservoir is remote and located at 10,000 feet elevation and will require special mobilization techniques. This project was previously approved by the Board in 2006, but has been re-scoped to address SEO concerns and higher than previously anticipated construction costs. The Company received SEO approval in August of 2008. The contractor, Geer-up-Construction, has completed the outlet works, seepage control, and is 75% completed with the reconstruction of the dam embankment. Work was suspended in October of 2008 due to weather. The contractor

negotiated a new contract with the Company to finish the remaining work in the summer of 2009. The Company elected to release the current engineering firm and has negotiated a new contract with Vista Engineer, Grand Junction, Colorado to finish the project. Geer-up-Construction mobilized on-site in July of 2009 and was forced to shut down in late October due to winter conditions. The contractor was not able to complete the project. The remaining items to be finished are: spillway cutoff wall and rip rap, minor rip rap placement along the upper dam face, monitoring devices, final grading of the dam crest, re-vegetation, and cleanup. The SEO will allow the dam to fill in the spring, with the remaining construction items to be completed in the summer of 2010. The total dollar amount of work left to be finished is estimated at \$40,000. The Board approved a loan increase of approximately \$250,000 to the Company at the September 2009 Board Meeting. The project is 97% complete.

14. Aurora, City of – Raw Water Distribution Project

Authorization: Construction Fund

Water Source: South Platte

Terms of Loan: \$75,750,000@ 3.75% for 30 yrs.

County: Adams, Arapahoe, & Douglas

Project Yield: 10,000 acre-feet

Project Type: Raw Water System

Aurora (population 300,000) is located in the eastern Denver metropolitan area. The population is expected to exceed 600,000 people by 2050. Aurora's water supply comes from three major river basins within Colorado and is sensitive to dry or drought conditions. During average and above average years, the water supplies are ample to meet the City's water demands. However, during dry conditions, water supplies are limited because the water rights owned by Aurora are relatively junior. The Prairie Waters Project is a key part of Aurora Water's comprehensive water resource planning. To meet the demands of its existing customers in dry years, and to meet the increasing demands on the system in the future, the goal of the PWP is to supply 10,000 AF/yr by 2010 and 15,000 AF/yr by 2017. Aurora Water will accomplish these goals using reusable effluent from its existing portfolio of decreed reusable water rights, supplemented by lawn irrigation return flows and junior water rights. A key component of the PWP is the Conveyance System which includes three pumping stations and 33-miles of 60-inch diameter pipeline to convey raw water from near Brighton, Colorado to a purification facility near Aurora Reservoir. Total project cost is estimated at \$800,000,000. Pipeline installation has and was completed in April of 2010. The City has made its final loan draw with a requested substantial completion date of May 1, 2010.

15. Overland Ditch and Reservoir Company – Reservoir Rehabilitation

Authorization: Severance Tax Fund

Water Source: Cow Creek

Terms of Loan: \$1,130,000@ 2.5% for 30 yrs.

County: Delta

Project Yield: 17,000 AF

Project Type: Reservoir Rehabilitation

The Overland Ditch and Reservoir Company's 120 members own and operate the Overland Reservoir, located in Delta County in the Gunnison National Forest at elevation 10,000-ft. This project involves increasing the current reservoir capacity from 6,200 AF to 7,171 AF, raising the spillway elevation 3.8 feet, installing toe drains, increasing the dam crest width, and additional embankment protection. The Overland Ditch Company shareholders at their August 2006 Board Meeting, approved increasing the capacity of the reservoir. The project is currently under design, with construction on-hold until fens can be addressed on-site. High altitude fens on the Grand Mesa have become a significant issue and staff is currently working with area water users, local wetland consultants, and the Army Corps of Engineers to address this problem on a regional permit basis.

16. Montezuma Valley Irrigation Company – May Lateral Pipeline

Authorization: Severance Tax Fund
 Water Source: Dolores River
 Terms of Loan: \$5,292,400@2.25% for 30 yrs.

County: Montezuma
 Project Yield: 128,000 acre-feet
 Project Type: Pipeline

The Montezuma Valley Irrigation Company is a non-profit corporation established in the State of Colorado in 1920. The Company manages the delivery of irrigation water to the approximately 46,000 acre service area. The Company is proposing to install approximately five (5) miles of 36-inch pipe in the existing May Lateral Ditch alignment. The installation of pipe will improve delivery and significantly reduce leakage. The May Lateral water is diverted from the Dolores River and is routed through the McPhee Reservoir prior to delivery to shareholders. The new pipeline will carry approximately 18 cfs to the 105 shareholders that depend on the May Lateral for irrigation water. AgriTech Consulting has provided planning and preliminary design services. The Company has completed the installation of the entire pipe along the 5-mile project length. Over the next several months the Company will be reclaiming the area (i.e final grading, slash removal, fencing, seeding etc.).

17. Platte Valley Irrigation Company – New Equalizer Reservoir Project

Authorization: Severance Tax Fund
 Water Source: South Platte River
 Terms of Loan: \$2,388,650@2.25% for 20 yrs.

County: Weld
 Project Yield: 52,401 AF
 Project Type: Reservoir Construction

PVIC is a Colorado mutual ditch company and non-profit corporation serving approximately 14,832 acres of irrigated farm land in Weld County east of Platteville. PVIC diverts water for irrigation from the South Platte River near Fort Lupton and shares a jointly owned headgate with Farmers Reservoir and Irrigation Company (FRICO), as well as about 10 miles of the jointly owned Platte Valley Canal. Average annual diversions are 52,401 acre-feet. PVIC needs an equalizer on the ditch to allow for more efficient management of the water, as well as additional measurement and control structures on their main ditch. The reservoir will have a junior water right for storage of water directed to PVIC's recharge program. In an average year the reservoir is expected to store 300 acre feet, with a 300 acre feet refill. Construction will consist of a 431 acre-foot reservoir with a 14 foot high dam embankment with 10:1 upstream slopes and 3:1 downstream slopes. The reservoir bottom will be lined using clay from the required excavation as necessary to exclude groundwater. The outlet will be a 48 inch RCP, configured to act as the principal spillway. The project also includes relocation of an existing section of Evans No. 2 Ditch below the split from the Platte Valley Canal, modification of the existing bifurcation structure, and construction of three (3) new Parshall Flumes in various reaches of the ditch, as directed by the Water Court. The project is being designed by Smith Geotechnical, Fort Collins, Colorado, with construction anticipated to commence in July 2010.

18. Greeley Irrigation Company – Greeley No. 3 Canal Rehabilitation

Authorization: Severance Tax Fund
 Water Source: South Platte
 Terms of Loan: \$2,233,867@2.85% for 30 yrs.

County: Weld
 Project Yield: 18,000 acre-feet
 Project Type: Canal Rehabilitation

The Greeley Irrigation Company (GIC) provides irrigation water to a service area of 2,367 acres in Weld County, generally within the City of Greeley and east of the City. GIC operates the

Greeley Canal No. 3, constructed in 1870 by the Union Colony. About 1,100 acres of the 3,500 original irrigated acres have been subject to dry-up, and water converted to augmentation use. Present canal usage is roughly 1/3 City of Greeley, 1/3 agricultural irrigation, and 1/3 augmentation. GIC facilities consist of a river diversion structure, approximately 13 miles of earthen canal, check structures, delivery headgates, spill structures, trash screens, and other minor structures. A portion of these facilities are in need of repair, upgrades, or replacement. The GIC Board is undertaking a number of phased improvements to the canal including: 1) repairs to, and partial replacement of, the river diversion; 2) piping or lining of portions of the canal; 3) consideration of canal automation using supervisory control and data acquisition (SCADA) equipment; 4) tree removal and tree pruning; 5) canal realignment, reshaping, and straightening; and 6) removal or repair of selected headgates and installation of new headgates. The overall project is 85% and the Company has just recently completed the replacement of their diversion structure on the Poudre River. The Company is currently working on their SCADA system and the realignment and reshaping of various sections of existing channel. The overall project is anticipated to be completed by September 2010.

19. Henrylyn Irrigation District – Horse/Prospect Reservoirs Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Denver/Hudson Canal
 Terms of Loan: \$2,184,327@2.25% for 30 yrs.

County: Weld
 Project Yield: 13,850 acre-feet
 Project Type: Reservoir Rehab.

The HID was formed in 1907 Irrigation District Law of 1905, and consists of 32,745 acres of irrigated farm land in Weld County. The HID diverts water through the Burlington Canal Headworks on the South Platte River, extending 16 miles to and past Barr Lake. From Barr Lake the Denver-Hudson Canal continues 25 miles to Horse Creek Reservoir, and then continues another 25 miles to Prospect Reservoir. Horse Creek Reservoir was constructed in 1910, and is a High Hazard, Class 1 earth fill dam, with a dam height of 64 feet, a length of 4800 lineal feet, and a crest width of 16 feet. There is a 200 foot wide earth-lined spillway. The decreed storage right is 19,515 AF, but normal storage is 18,747 acre feet. The outlet works consist of 3 x 48" diameter steel conduits. The proposed project will provide a lining for the outlet works, install additional toe drainage, and resurface and re-grade the dam crest. Prospect Reservoir was constructed in 1914, and is a Significant Hazard, Class 2 earth dam, with a dam height of 43.5 feet, a length of 5,301 lineal feet, and a crest width of 20 feet. There is a 250 wide concrete and riprap spillway. The decreed storage right if for 7,660 AF, but the normal storage is 6,368 acre feet. The outlet works consist of a 48" concrete pipe that narrows to about 30" downstream of the control gate, due to previous re-lining projects. The reservoir is currently restricted to 1.5 feet below the historic maximum stage, due to concerns about the stability of the downstream slope of the dam. The proposed project will provide a lining for the outlet works, and resurface and re-grade the dam crest. Zak Dirt Construction has completed reconstruction of outlet channel and has regarded the dam crest on Horse Creek Reservoir. On Prospect reservoir the outlet pipe has been lined with regarding of the dam crest yet to be completed. The Company is also evaluating the possible need to replace the existing gates at Prospect Reservoir. Overall project is 95% complete.

20. New Salida Ditch Company – Ditch Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Upper Arkansas River
 Terms of Loan: \$365,620@2.50% for 30 yrs.

County: Chaffee
 Project Yield: 7,000 acre-feet
 Project Type: Ditch Rehabilitation

The New Salida Ditch Company owns and operates the New Salida Ditch to deliver water to agricultural users from the Arkansas River through a diversion in Browns Canyon. The diversion is located 10 miles north of Salida and is approximately eight miles from its diversion to its end at Ute Gulch. In Browns Canyon, the Ditch runs parallel to the River for 1.25 miles. This section has historically been difficult for the Company to maintain and has suffered frequent breaks, resulting in costly repairs and the discharge of sediment into the adjacent river. The Company was cited by the Colorado Department of Health and Environment for a recent failure of the ditch in 2005. This project involves the installation of 3,200 feet of 42-inch pipe along the historically troubled ditch area. Project construction commenced in September of 2009 and should be completed by July of 2010.

21. Wood Lake Irrigation Company – Angel Lake Dam Repair

Authorization: Severance Tax Fund
 Water Source: South Platte
 Terms of Loan: \$212,706@2.50% for 30 yrs.

County: Weld
 Project Yield: 848 acre-feet
 Project Type: Reservoir Rehabilitation

The Wood Lake Irrigation Company (WLIC) irrigates about 2,150 acres in northern Colorado, in Weld County north of Greeley. WLIC facilities are located approximately 5 miles west of Eaton, and 2 miles east of Severance on Weld County Road 74, and consist of Wood Lake (3,235 AF), Angel Lake (424 ac-ft with refill), and Meyers Lake (600 ac-ft.), and approximately 5 miles of unlined ditch. WLIC's decreed water right for Angel Lake is for 424.7 acre-feet with a refill, for a total 848 acre-feet. The Angel Lake dam is approx. 2000 feet in length with a crest width of 50 feet (including roadway) and a max. height of about 16 feet. The dam is located on the south and east sides of the reservoir with the outlet located on the south side. Both the Angel Lake outlet conduit and spillway conduits are in poor condition, and need repair/replacement to avoid future SEO storage restriction. The outlet is an 18-inch clay pipe which has reached its usable life span, and the service spillway conduit is an 18-inch clay pipe that is in very poor condition. The proposed project will address deficiencies to meet the current standards and requirements of the SEO with full replacement of the outlet works and service spillway. Work will include breaching the dam embankment and removing the existing outlet works; replacing the existing outlet with 30-inch diameter concrete pipe; control structures including the intake structure with gate, gate tower with control gate, and energy dissipation outlet structure; installation of a toe drain to intercept seepage; construction of a service spillway incorporated into the outlet works to pass the 100-year storm; and placement of riprap and bedding on the upstream face of the dam in the breach area and at the energy dissipation structure. Project is approximately 85% complete.

22. Farmers Pawnee Canal Company – Ditch Flow Control Structures

Authorization: Severance Tax Fund
 Water Source: South Platte River
 Terms of Loan: \$227,250@2.5% for 30 yrs.

County: Logan
 Project Yield: 27,260 acre-feet
 Project Type: Diversion Rehabilitation

The Farmers Pawnee Canal Company (Company) provides irrigation water to approximately 10,000 acres of land between Merino and Sterling, Colorado. It uses two separate structures to control flow in the Pawnee Ditch (Ditch). The first is a main diversion at the South Platte River. The second is a few miles down the Ditch and is used to adjust flow. The main diversion is a concrete rollover wall with vents to allow flushing of sand when opened. The secondary structure is currently controlled through the use of board style gates. Both structures are labor intensive and require monthly maintenance. To help with efficiency, the Company plans on replacing a portion

of the main diversion with a new 12-foot radial gate. It also plans on replacing the board gates at the secondary structure with four 8-foot wide radial gates. Ransome Boone Excavating, Fort Morgan, Colorado has completed the ditch control structure. The Company is currently evaluating its options on the extent of the improvements needed on the river diversion. Improvements to the river diversion are currently scheduled for the fall of 2010.

23. North Sterling Irrigation District – North Sterling Reservoir Rehabilitation

Authorization: Construction Fund	County: Logan
Water Source: South Platte River	Project Yield: 74,590 acre-feet
Terms of Loan: \$1,094,840@2.25% for 20 yrs.	Project Type: Reservoir Rehabilitation

The District owns and operates the North Sterling Reservoir (Reservoir) located in Logan County and provides stored and direct flow water to landowners within the District's 40,917 acre service area. The District service area begins just east of the North Sterling Reservoir approximately 15 miles northwest of Sterling, Colorado and extends east to just northeast of Crook, Colorado. The Reservoir faces the possibility of a storage restriction from the State Engineer's Office without the construction improvements to the current spillway and the dam. In order to retain full storage capacity, the District intends to enlarge the existing spillway, raise the dam crest, and install a seepage collection system at the Reservoir. Construction commenced in September of 2009 and should be completed by July 2010.

24. Republican River Water Conservation District – Compact Compliance Pipeline

Authorization: Severance Tax Fund	County: N. E. Colorado
Water Source: Republican River	Project Yield: 15,000 acre-feet
Terms of Loan: \$60,600,000@2.0% for 20 yrs.	Project Type: Pipeline Construction

December 2002, Colorado entered into a Stipulation with Kansas and Nebraska to address the U.S. Supreme Court case of *Kansas v. Nebraska and Colorado*. Colorado agreed to develop a ground water model to determine stream flow depletions caused by well pumping in the Basin and to a five-year running average to determine compliance with the Republican River Compact. In 2007, the State had exceeded its allocation under the Compact by an average of 11,350 AF/yr. To solve the problem the District elected to acquire ground water rights with a historical consumptive of 15,000 AF/yr. This water will be delivered to the North Fork of the Republican River via a Compact Compliance Pipeline to the stream gage at the Colorado-Nebraska state line to offset stream depletions. The District is requesting a loan from the CWCB in the amount of \$60 million to finance the engineering, construction and water acquisition related to the Pipeline Project. The loan represents approximately 85% of the estimated \$71 million total cost of the Project. Final design is expected to start in the spring of 2008 and construction is scheduled for 2009 & 2010. The District has completed the design and bid packet for the project. Prior to construction and the disbursement of any additional CWCB loan funds, however, the District will need to resolve compact issues with Kansas regarding the recent concern over the proposed point of release of compact water on the North Fork of the Republican, which does not address the depletions on the South Fork of the Republican at the Colorado-Kansas state line and other related issues. The Republican River WCD did recently address issues of senior surface water users along the North Fork by the purchase of a 20-year lease from Yuma County Water Authority, who recently purchased the North Fork Water Rights under a separate CWCB loan

contract. The District has completed the design plans and construction documents for the project. On June 19, 2009, utilizing CWCB loan funds, the District successfully closed the \$49,000,000 Cure water purchase, which was a critical piece to the overall success of the compliance project.

25. Ogilvy Augmentation Company – Well Augmentation Project

Authorization: Severance Tax Fund

Water Source: South Platte River

Terms of Loan: \$1,010,808@2.5% for 30 yrs.

County: Weld

Project Yield: 60 acre-feet

Project Type: Augmentation

The Ogilvy Augmentation Company (Augmentation Company) was established in 2005 to augment wells that operate under the Ogilvy Irrigating and Land Company service area. Approximately 1,400 acres of land are irrigated by the Augmentation Company members in an area north of Kersey, Colorado. There are 17 wells in the Augmentation Company that operate under its temporary substitute water supply plan (SWSP). The SWSP is currently operated using leased water. A permanent water supply is necessary for the Augmentation Company to obtain a permanent augmentation plan. Funds are being requested from the CWCB to: purchase water rights, construct a recharge facility, construct a storage reservoir, and install monitoring devices. The Augmentation Company intends to purchase the water rights upon the approval of the CWCB funding and construct the recharge facility in fall/winter of 2008. It will file for its permanent augmentation plan in 2009. Once the permanent augmentation plan is approved, construction will begin on the storage reservoir. The Company has purchased the water rights and has constructed the recharge facility. The Company is waiting on approval of their augmentation plan before proceeding with the construction of the reservoir.

26. Boulder White Rock Ditch and Reservoir Company – Reservoir Rehabilitation

Authorization: Severance Tax Fund

Water Source: South Platte River

Terms of Loan: \$2,864,164@3.45% for 30 yrs.

County: Boulder/Weld

Project Yield: 12,000 acre-feet

Project Type: Reservoir Rehabilitation

The Boulder White Rock Ditch and Reservoir Company (Company) delivers irrigation water to land in Boulder and Weld Counties. It diverts water from Boulder Creek in downtown Boulder through the Boulder White Rock Ditch and stores water in two of its facilities: Six Mile Reservoir and Panama Reservoir. Due to recent operational changes, the Company no longer exchanges water with nearby ditches and needs to improve the flexibility in its own system to meet its shareholder's needs. The Company intends to build a reservoir pump station at the Panama Reservoir outlet in order to use water stored in the reservoir that is unable to be accessed through the existing gravity outlet. The Project is currently under construction and is approximately 15% complete. The Company was approved for a loan increase in the amount of \$434,000 for a new loan amount of \$2,864,164. The project commenced construction in December of 2009 and is approximately 95% complete.

27. Snowmass Water and Sanitation District – Zeigler Reservoir Water Management System

Authorization: Construction Fund
 Water Source: Snowmass Creek
 Terms of Loan: \$1,952,805@4.25% for 20 yrs.

County: Pitkin
 Project Yield: 1,800 acre-feet
 Project Type: System Improvements

The District's project involves the constructing of a new delivery system; which includes the construction of a pump house, approximately 1,400 ft of pipe, construction of a flow control building, installation of telemetry and electric power. The District diverts water for treatment from East Snowmass Creek and East Snowmass Creek Spring, Brush Creek and Snowmass Creek. The District presently does not have a useable raw water storage facility, but purchased Ziegler Reservoir (aka Lake Deborah) in 2008 for the express purpose of improving system reliability by expanding the reservoir from its current 57 AF to approximately 225 AF. The District currently serves approximately 3,500 full time residents and during the winter ski season an additional 10,000 to 12,000 residents. To regulate flows and provide a supply during times of diminished stream flows, a system to divert water to and pump water from the reservoir is required. This Project will help the District to deliver water to utilize Ziegler reservoir as well as serve for the planned expansion of the reservoir. Final design is complete and the District is approximately 90% complete with the overall project.

28. Farmers Reservoir and Irrigation Company – Milton Reservoir and Barr Lake Improvements

Authorization: Construction Fund
 Water Source: Beebe Seep Canal/Platte Valley Canal
 Terms of Loan: \$3,535,000@3.7% for 30 yrs.

County: Adams/Weld
 Project Yield: 125,000 AF
 Project Type: Spillway

Farmers Reservoir and Irrigation Company operates a ditch and reservoir system extending 3,500 square miles along the Front Range corridor, from Golden to Kersey, Colorado. The system consists of four major reservoirs (Standley Lake, Marshall Lake, Barr Lake and Milton Reservoir) numerous smaller reservoirs, and approximately 400 miles of diversion and delivery canals. This loan request specifically relates to work to be completed at Milton Reservoir and Barr Lake. The Company intends to complete the following three projects: Milton Reservoir Outlet Works (replacing the upstream outlet gate structure and a portion of the piped outlet works), Milton Spillway (enlarging the existing spillway), and Barr Lake Spillway (enlarging the existing spillway and raising the perimeter dike). These projects have been submitted to the SEO for review and have been approved. The Company commenced improvements on Milton Reservoir in October of 2009, which are approximately 95% complete. Barr Lake improvements are anticipated to commence in the fall of 2010.

29. Raymond Dairy, Incorporated – Concrete Ditch Reconstruction Project

Authorization: Construction Fund
 Water Source: Grand Valley Canal
 Terms of Loan: \$63,950@2.5% for 30 yrs.

County: Mesa
 Project Yield: 386 AF
 Project Type: Ditch Rehabilitation

The Raymond Dairy, Inc. is located just northwest of Fruita, Colorado and is owned by Robert and Helen Raymond. The Raymond Ditch has a capacity of 3.5 cfs and is used to carry irrigation water to approximately 125 acres of field crops for dairy cattle. This Project involves replacing 2,400 feet of the ditch, and installing new head gates and punch plates. This Project will decrease ditch seepage; thereby improving the environment by reducing salt leaching into the Colorado River. NRCS has provided planning and design engineering services for this work. The total project cost is \$95,000. The Borrower has been approved for a grant from NRCS that will cover

approximately 33% of the cost of the Project. Construction is scheduled for the fall of 2009. Proposed CWCB funding consists of an initial loan from CWCB for \$95,950 that will be reduced by the NRCS grant. The remaining \$63,950 will become a 20-year CWCB Loan. The project commenced construction in November of 2009 and is anticipated to be complete by July of 2010.

30. Trinchera Irrigation Company – Smith Reservoir Rehabilitation

Authorization: Construction Fund
Water Source: Trinchera Creek
Terms of Loan: \$606,000@2.75% for 30 yrs.

County: Costilla
Project Yield: 26,700 acre-feet
Project Type: Reservoir Rehabilitation

The Trinchera Irrigation Company (Company) owns and operates Smith Reservoir, Mountain Home Reservoir, and approximately 26 miles of canals and 45 miles of laterals for the purpose of providing irrigation water for the benefit of its shareholders. The Company services approximately 14,100 acres of irrigated farm land. The Company is applying for a loan to repair Smith Reservoir, which the State Engineer's Office (SEO) placed under a storage restriction. The restriction was put in place on April 22, 2009 after a storm caused considerable erosion on the upstream slope of the dam. The repairs include: correcting the slope of the dam, repairing erosion damage on the upstream face of the dam, and replacing the upstream sluice valve. The SEO approved the construction plans on November 2, 2009 and construction began immediately. The project has been completed. Project substantial completion is tentatively set for July 2010.

31. Lower Latham Reservoir Company – Well Augmentation Project – Phase III

Authorization: Construction Fund
Water Source: South Platte River
Terms of Loan: \$3,811,573@2.75% for 30 yrs.

County: Weld
Project Yield: 5,705 acre-feet
Project Type: Augmentation

The Lower Latham Reservoir Company (Company) is acquiring five shares of Lower Latham Ditch Company, for the purpose of providing augmentation water for existing shareholder wells. It is also constructing groundwater recharge facilities and other system improvements to utilize these shares and shares acquired in phases I & II of the project (both of which were financed by the CWCB). The Company provides augmentation water for 84 wells in Weld County by replacing out-of-priority pumping depletions. 39 of these wells were formerly in the GASP Augmentation Plan, and the remaining 45 wells are covered in the Augmentation Plan of Central Colorado Water Conservancy District's GMS. The Company is attempting to cover the former GASP wells, and supplement coverage of the GMS wells with their own augmentation plan. In 2003, the Company filed a permanent well augmentation plan that is pending. The Company has concluded that additional replacement sources are necessary to provide sufficient replacement water during extended drought years. A 2010 SWSP for the Company was revised and submitted to the SEO in December 2009.

32. Pagosa Area Water and Sanitation District – Dry Gulch Reservoir Land Acquisition

Authorization: Construction Fund
Water Source: San Juan River

County: Archuleta
Project Yield: 35,000 acre-feet

Terms of Loan: \$11,217,060@3.50% for 30 yrs.

Project Type: Land Acquisition

District serves 9,500 residents in the 100 sq. mile District service area. Drought and demand from growth is requiring additional storage and of around 12,400 AF of storage by 2040. Growth projections estimate the need for a 35,000 AF reservoir to meet demand through 2100. Dry Gulch site is the only reasonably valued site available due to land development. Primary fill source will be pumping of San Juan River water to the reservoir. A CWCB loan will be used to purchase two parcels of land to begin the process of meeting the needs of the District. The land is needed for both sizes of reservoir. Preliminary design and permitting is expected to start in 2008 and construction of the reservoir is projected to start in 2020. CWCB has disbursed just under \$10,000,000 in loan funds for land purchases, with the final land purchase to occur by July of 2010.

Projects under Design

1. Supply Irrigation Ditch Company – Knoth Reservoir Dam Rehabilitation

Authorization: Severance Tax Fund

County: Boulder – N.E. of Lyons

Water Source: St. Vrain Creek

Project Yield: 4,800 acre-feet

Terms of Loan: \$1,515,000@2.6% for 30-years

Project Type: Dam Rehabilitation

Supply Irrigating Ditch Company services approximately 8,500 acres of irrigated farmland in Boulder County between Lyons and Mead. Currently the water for irrigation is supplied by a direct flow decree and from the Beaver Park Reservoir (which is approx. 25 miles west of the start of the Supply Ditch near the continental divide). Supply Irrigating Ditch Company is in the process of acquiring a storage decree within Knouth Reservoir in exchange for the rehabilitation of the reservoir. This reservoir will give the Company some system flexibility, as this storage is significantly closer to users than Beaver Park Reservoir. The reservoir improvements include: construction of a spillway, removing vegetation from the embankment of the dam, lining select areas on the upstream dam face with a clay liner, placing riprap along the upstream dam face, enclosing an irrigation ditch within a pipe, and installing dam instrumentation. URS Corporation is currently working on the final SEO plans, which could be approved sometime this summer. Design changes and refinement of the original cost estimate have resulted in an increase to the overall project cost. The Company was approved for additional loan funds at the November 2009, for a new loan amount of \$1,515,000. The Company was recently informed by Little Thompson Water District that they will not be participating in the project, given the cost per acre-foot to complete the project. The Company is currently evaluating its options to continue with the project.

2. Owl Creek Reservoir Company - Reservoir Rehabilitation

Authorization: Construction Fund

County: Weld

Water Source: Owl Creek Basin

Project Yield: 1,200 acre-feet

Terms of Loan: \$1,125,000 @2.75% for 30-years

Project Type: Reservoir Rehabilitation

Owl Creek Reservoir is located approximately 6 miles east and 3 miles north of the Town of Ault. The reservoir was originally constructed in 1896 to store water for irrigation. The dam was constructed of granular material, and over the years has suffered structural damage due to seepage. Given the condition of the dam embankment and the potential for failure, the dam was intentionally breached in 1983. The proposed project involves rehabilitating the existing dam

embankment, the construction of a controlled outlet structure, and the construction of an emergency spillway. The project was bid in the fall of 2003. The Reservoir Company is currently exploring its options increasing the dredging quantity to obtain its full storage decree of 1,750 acre-feet. The Company is considering applying for additional funds from the Board to achieve the full reservoir capacity. Additionally, the Company has amended the loan contract for a 1-year time extension to complete the work. The Company is also researching the possibility of utilizing Owl Creek Reservoir as storage facility from flows outside of Owl Creek. This could be accomplished by pumping water from the Larimer Weld Canal, located approximately $\frac{3}{4}$ of a mile downstream of the reservoir. The Company has received bids and is currently negotiating with Barker Construction, Fort Collins, Colorado to construct project for approximately \$1,250,000. The Company has expended approximately \$450,000 to-date for permitting, soils, and design and will need an additional \$600,000 to complete the project, which will be presented at the May, 2010 CWCB Board Meeting.

3. Southeastern Colorado Water Conservancy District – Arkansas Valley Conduit

Authorization: Severance Tax Fund
 Water Source: Arkansas – Fry Ark Project
 Terms of Loan: \$60,600,000@3.25% for 30 yrs.

County: Pueblo, Crowley, Otero, Bent
 Project Yield: 6,555 AF
 Project Type: Raw Water Pipeline

The Arkansas Valley Conduit is designed to bring relatively clean raw water to 41 water providers in the lower Arkansas Valley, who currently either take water from the Arkansas River, and/or pump from shallow and/or deep aquifers. This pumped water has quality problems and requires significant treatment before it meets Clean Drinking Water standards. The conduit will begin at Pueblo Reservoir Dam, where a 30.94 cfs municipal outlet is already in place and reserved for the specific use of the conduit. The conduit will gravity flow approximately 138 miles down the Arkansas River Valley to Lamar. The conduit water will flow by the St. Charles Mesa Water District where it will enter a water filtration plant. As the conduit moves down the valley, spurs will take off the main line to deliver water to local and regional water providers. The conduit will receive its water from the USBR Fryingpan-Arkansas Project. Currently, about 5,779 acre-feet of water per year is available for entities East of Pueblo in an average year. Additionally, Return Flows are retained by the District and can be exchanged back up to Pueblo Reservoir for delivery. These Return Flows can provide up to an additional 1,600 acre-feet of water. Storage is available to these entities in Pueblo Reservoir because they are in the SECWCD service area. This storage will help provide water in the years when less than average water is provided by the Fry-Ark Project. The water will be provided strictly for municipal and industrial purposes. Final chlorination or treatment will be left up to each water provider. The conduit is currently planned to be paid 80% (approximately \$240 million) by the federal government. The District is anticipating securing federal funding in 2009/2010, with design and construction to follow.

4. Penrose Water District – Water Rights Purchase and Pipeline Installation

Authorization: Severance Tax Fund
 Water Source: Arkansas River
 Terms of Loan: \$8,844,570@3.25% for 30 yrs.

County: Fremont
 Project Yield: 339 AF - Consumptive
 Project Type: Pump/Pipeline/Reservoir

The PWD currently provides domestic water to approximately 4,000 people with 1,700 taps in and around the Town of Penrose, with existing demand of 489 acre-feet per year. PWD's water supply is obtained by a lease with the Beaver Park Water, Inc. (BPW) who owns and operates Brush Hollow Reservoir. The 1990 lease has a 30-year term, and provides an increasing amount

of water each year, 751 AF in 2006, leveling out at 1,000 AF in 2020. In drought years, the amount available to PWD is further reduced below the contract amount. Future build-out demand in 2040 is projected to be 1,200 acre-feet for about 8,000 residents and 3,240 taps. The proposed Enterprise project includes the acquisition of 10/12th of the Pleasant Valley Ditch water rights near Howard, with a change in use and change in point of diversion approximately 50 miles downstream to Sec. 13, T19S, R69W. Water will be obtained through the installation of 7 shallow alluvial wells immediately north of the Arkansas River, and then pumped approximately 5.8 miles through a 12-inch transmission line to Brush Hollow Reservoir. As part of the project, Brush Hollow Reservoir will be enlarged by raising the dam four feet. Water rights purchases occurred in 2005. Water court application was filed in 2006, with a late 2008 court date anticipated. Reservoir enlargement is scheduled late 2008 and early 2009. Pump and pipeline construction is scheduled to occur in 2010 and 2011, with total project completion anticipated in 2012. The District is currently working on obtaining an agreement between the District and Beaver Park Water to allow the District to utilize Brush Hollow Reservoir for additional storage. Additionally the District is looking a number of other potential distribution and storage alternatives to meet their needs. The loan contract will not be executed until a firm distribution and storage plan is in-place and approved by CWCB.

5. Seven Lakes Reservoir Company – Reservoir Rehabilitation

Authorization: Severance Tax Fund
 Water Source: South Platte
 Terms of Loan: \$772,842@ 2.95% for 30 yrs.

County: Weld and Larimer
 Project Yield: 7,796 acre-feet
 Project Type: Reservoir Rehabilitation

The Seven Lakes Reservoir Company (SLRC) and its sister company Greeley and Loveland Irrigation Company (GLIC), own and operate an extensive system of reservoirs and canals in the Loveland and Greeley area. GLIC owns 4 reservoirs (including Lake Loveland and Boyd Lake) and SLRC owns 5 reservoirs (including Horseshoe Lake, immediately adjacent to Boyd Lake.). SLRC uses GLIC's Big Barnes Ditch to fill Horseshoe Reservoir. Water is carried in the Big Barnes Ditch and discharges into Lake Loveland at a decreed rate of 1000 cfs. SLRC desires to remove and replace an existing deteriorated 5-tunnel railroad crossing structure with a new bridge in order to safely move 1,000 cfs from the Big Thompson River through Lake Loveland to Horseshoe Reservoir, thus removing a serious bottleneck in the flow path of water. This project will install a new pre-fabricated railroad bridge based on BNSF Railroad design requirements. Construction will occur while the track remains in continuous service, with trains expected on a frequency of one about every six hours. Bridge support pilings will be driven during the time intervals when trains are not near the site, and pile caps constructed. Rails, ties and ballast can then be removed and the prefabricated bridge installed. Work is anticipated to commence in the winter/spring of 2010 and be completed by the winter 2011. The Company has experienced significant delays in getting contracts in-place to conduct the work with BNSF.

6. Deuel and Snyder Improvement Company – Diversion Structure Rehabilitation

Authorization: Severance Tax Fund
 Water Source: South Platte
 Terms of Loan: \$90,900@2.50% for 30 yrs.

County: Morgan
 Project Yield: 4,950 acre-feet
 Project Type: Diversion Rehabilitation

The Deuel and Snyder Improvement Company (Company) provides irrigation water to a 1,650 acre service area located in Morgan County. The Company operates a sand gate located on a South Platte River diversion structure. The sand gate is a vent section through the concrete rollover wall which is boarded up when the Company needs to divert water. Boards must be

removed during the winter to allow excess sand (which builds up in front of the Company's diversion point) to wash down river. Currently, in order to remove boards and open the gate, a Company employee must walk several yards along the crest of the rollover wall to reach the sand gate. There is not a walkway or handrail for safety. Because this is a major safety concern for the Company, it evaluated alternatives to both improve the safety conditions for its employees and more efficiently operate the gate. The Company elected to replace the existing board gates with a new radial gate. However, after further evaluation from the contractor and engineer it was determined that the foundation of the entire diversion structure has been compromised over time due to long term erosion. Therefore, the Company is currently evaluating it options on how to address the foundation issue prior to commencing with any improvement above. The project costs could escalate considerable.

7. South Metro Water Supply Authority – Raw Water Delivery

Authorization: Construction Fund
 Water Source: South Platte
 Terms of Loan: \$5,090,400@4.50% for 30 yrs.

County: Adams/Denver/etc.
 Project Yield: 10,750 acre-feet
 Project Type: Raw Water Delivery

South Metro Water Supply Authority (Authority) is made up of 13 independent water providers that serve communities in the southern area of metro Denver. Currently, the Authority members rely mainly on groundwater aquifers to supply the area's M&I needs. Because this source is nonrenewable, members have been working to identify new supplies of water and opportunities to share resources and infrastructure to reduce dependence on groundwater. The Authority intends to acquire capacity in the East Cherry Creek Valley Water and Sanitation District (ECCV) Northern Supply Pipeline (Pipeline) as a means to convey renewable water supplies, recapture consumable return flows, and increase operational flexibility. The Pipeline is a 48-inch steel pipe that runs from Barr Lake to ECCV's service area (located to the east of Cherry Creek Reservoir). The capacity is 47 million gallons/day (mgd). The Pipeline is a regional transmission line and will deliver water both to storage reservoirs and directly to Authority members who will then deliver the water through their distribution systems. The Authority is acquiring a total of 31.98 mgd of excess capacity from ECCV. The four members seeking funding from the CWCB will be acquiring 6.55 mgd of this total capacity. Final purchase and operating agreements are still under negotiation. It is expected that the purchase may take place in the fall of 2010.

8. Park Center Water District – Well Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Arkansas
 Terms of Loan: \$1,010,000@3.50% for 30 yrs.

County: Fremont
 Project Yield: 400 acre-feet
 Project Type: Well Rehabilitation

Park Center Water District (District) is located in Fremont County on the north side of Canon City. The District was formed in 1968 to supply drinking water to area residents. The primary source of this water is a well owned by the Bureau of Land Management (BLM) and leased by the District. The District has leased this well for forty years and has a first right of refusal to renew the lease when the current contract expires in 2021. In the spring of 2008, the 3,216 foot deep well developed a leak. The BLM and District had a contractor inspect the well and it was determined that leaks existed at 10 feet below the surface and at depths as great as 2,400 feet. The District decided the most cost effective solution is to re-drill the well. The District has secured stimulus funding from BLM to re-drill the well, and therefore will not be utilizing CWCB loan funds. The loan was de-authorized at the November 2009 Board Meeting.

9. Louden Irrigating Canal and Reservoir Company – Reservoir Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Big Thompson River
 Terms of Loan: \$263,610@3.5% for 30 yrs.

County: Larimer
 Project Yield: 150 acre-feet
 Project Type: Reservoir Rehabilitation

The Louden Irrigating Canal and Reservoir Company (Borrower) owns and operates the Rist Benson Reservoir (Reservoir), which is on the west side of Loveland, Colorado. Since 2005, the Reservoir has been restricted to a gauge height of 10.0 feet due to seepage problems along the dam. The Borrower has repaired two sections of the embankment in previous years. This Project is the third phase of repairs and once completed will increase storage by 150 AF allowing for full storage of 491 AF. The rehabilitation involves excavating and re-compacting sections of the embankment, installation of a toe drain, and installing riprap on the upstream face of the dam. Construction is expected to begin in July of 2010 with completion by the fall of 2010.

10. Town of Gypsum – LEDE Ditch and Reservoir Rehabilitation

Authorization: Construction Fund
 Water Source: Colorado River
 Terms of Loan: \$2,689,731@4.5% for 30 yrs.

County: Eagle
 Project Yield: 685 acre-feet (254 new)
 Project Type: Reservoir Rehabilitation

The Town of Gypsum purchased the LEDE Ditch and LEDE Reservoir water rights in 2006. The original water rights are decreed for irrigation uses, and provide storage for up to 947 AF in the reservoir. The Reservoir was built to a capacity of 431 AF. The Town seeks to increase capacity to 685 AF in order to accommodate continued agricultural irrigation, and for future water supplies to the Town. This upstream storage is required to assist in managing Gypsum Creek water rights calls and dry year operations. The reservoir storage will become even more important as the Town's population continues to increase. The Town wishes to repair and improve the reservoir to utilize its potential, and to protect valuable senior storage rights in the reservoir. The reservoir is located in the headwaters of Gypsum Creek, south of Gypsum within the White River National Forest. Design and permitting is expected to occur in 2009/2010 with pipeline construction starting in late 2010 and dam construction starting in 2011.

11. Town of Dillon – Old Dillon Reservoir Enlargement

Authorization: Construction Fund
 Water Source: Salt Lick Gulch
 Terms of Loan: \$1,515,000@4.0% for 30 yrs.

County: Summit
 Project Yield: 286 acre-feet (140 new)
 Project Type: Reservoir Enlargement

The Town of Dillon is applying for a loan to participate in the enlargement of the Old Dillon Reservoir. In 2004, the Town, Summit County and Town of Silverthorne signed an agreement to enlarge the reservoir. The Town's participation cost is approximately 27% of the construction costs and 20% of the Engineering costs. The Town and the County initiated a feasibility study in 1995. The Reservoir was originally constructed as a 46 AF raw water storage reservoir filled via the Dillon Ditch, which diverts from Salt Lick Gulch. The Reservoir site is southwest of the Dillon Reservoir Dam. In the summer of 2008, the SEO issued an order to drain the Reservoir due to concerns over the integrity of the north dam. The Reservoir is currently not available for storage. The project will increase the reservoir capacity from 46 to 286 acre-feet. Permitting is underway and construction of the enlargement is scheduled to occur in 2010.

12. Joseph W. Bowles Reservoir Company – Bowles No. 1 Dam Rehabilitation

Authorization: Construction Fund
 Water Source: Bear Creek
 Terms of Loan: \$1,703,870@4.65% for 30 yrs.

County: Jefferson
 Project Yield: 2,062 acre-feet
 Project Type: Reservoir Rehabilitation

The Joseph W. Bowles Reservoir Company (Company) owns and operates Bowles No. 1 Reservoir, located in the southwest metropolitan area of Denver. The Company was formed in 1906 and currently has 50 shareholders who use the water for golf courses, parks, open space, and some individual ranches for irrigation water. The Company is applying for a loan to implement several repairs to correct dam-safety deficiencies and improve the long-term performance of Bowles No. 1 Dam and to rehabilitate the deteriorating reservoir inlet ditch. The dam rehabilitation includes widening the crest, reconstructing the upstream slope, and installing a seepage collection and toe drain system on the downstream slope. Work on the inlet ditch includes removing trees, reconstructing the ditch cross section and alignment, placing slope protection in high erosion areas, and installing a flow control pipe that will provide for discharge of excessive ditch flows into an existing spillway and drainage structure. The Company plans on submitting the final design to the SEO by February 2010 and beginning construction in August 2010 with completion by February 2011.

13. Riverside Reservoir and Land Company – Riverside Reservoir Spillway Enlargement

Authorization: Severance Tax Fund
 Water Source: South Platte River
 Terms of Loan: \$2,838,100@2.5% for 30 yrs.

County: Weld
 Project Yield: 64,000 AF (200 new)
 Project Type: Spillway

The Riverside Reservoir and Land Company (Company) owns and operates the 64,000 acre-foot capacity Riverside Dam and Reservoir, an inlet canal known as Riverside Ditch, and a river diversion structure located near the town of Kersey, Colorado. The Company diverts water from the South Platte River, approximately 10 miles downstream of Greeley, Colorado. It stores water primarily during winter months for irrigation releases during the following water season. The Company, formed in 1902, delivers irrigation water to approximately 50,000 acres. The Company is applying for a loan to install a spillway at Riverside Reservoir (Reservoir). The Reservoir is not equipped with an emergency spillway, which is required by the DWR's *Rules and Regulations for Dam Safety and Dam Construction*. There is currently a nominal restriction of 0.05 feet (200 AF of storage loss) due to the lack of a spillway. In order to enhance the safety of the Reservoir and prevent further storage restrictions, the Company plans on constructing an emergency spillway. The final design is expected to be complete in January 2010 with construction occurring from July 2010 through March 2011.

14. Fort Morgan Reservoir and Irrigation Company – Pipeline Project/Augmentation Retiming

Authorization: Construction Fund
 Water Source: South Platte River
 Terms of Loan: \$1,494,800@2.9% for 30 yrs.

County: Morgan
 Project Yield: 37,058 AF
 Project Type: Augmentation/Pipeline

The Company operates a ditch system that serves surface water to approximately 15,000 acres of irrigated land between Weldona and Brush, and operates a recharge and augmentation plan that provides augmentation water for approximately 90 irrigation wells. In addition, the Company has an operational agreement with Groves Farms, LLC, which is a family farming corporation also located in Morgan County, for a recharge/augmentation plan. The Company, with Groves Farms,

has designed a plan to re-divert and re-time augmentation credits from the Company's more senior recharge projects at certain times when they are not needed for direct augmentation use, and to divert water under new junior water rights when available for recharge and augmentation use. The Project involves installing one 24" pipe from the River extending three miles to recharge ponds on Groves Farms' land; installing two pumps to pump water from the River through the pipeline; installing one augmentation well and pumping equipment near Groves' ponds to pump ground water back to the South Platte River; and installing seven recharge/augmentation ponds (with a surface area of approximately 95 acres) on Groves Farms' land. Project construction is tentatively scheduled for the fall of 2010.

15. Lake Canal Reservoir Company – South Gray and Gray No. 3 Reservoir Rehabilitation

Authorization: Construction Fund
Water Source: Box Elder Creek
Terms of Loan: \$433,000@3.15% for 30 yrs.

County: Larimer/Weld
Project Yield: 1,120 AF (165 AF new)
Project Type: Reservoir Rehabilitation

The Lake Canal Reservoir Company is requesting a CWCB loan for reservoir improvements that include: 1) the installation of toe drains on the South Gray dam 2) the breaching of Gray No. 3 dam including erosion protection and access road realignment. The Project is necessary to address a SEO Dam Safety hazard and avoid the potential for a reservoir storage restriction. The South Gray Reservoir dam has excessive seepage along a major portion of the dam. The Reservoir Company desires to preserve the storage right on this reservoir and is interested in adding a toe drain or other seepage measures to ensure the safety of the dam. Gray Reservoir No. 3 is restricted to zero storage by the SEO due to the poor condition of the dam and outlet works. The Reservoir Company has received a court decree allowing the storage to be moved to other locations. Project design is expected to be done in early 2010 and construction is projected for the fall/winter 2010.

16. Riverside Ditch and Allen Extension Company – Ditch System Rehabilitation

Authorization: Construction Fund
Water Source: Arkansas River
Terms of Loan: \$186,345@2.75% for 30 yrs.

County: Chaffee
Project Yield: 3,250 AF
Project Type: System Rehabilitation

The Riverside Ditch and Allen Extension Company (Company), located near Buena Vista, owns and operates the Riverside Ditch (canal) that provides irrigation water to a 450 acre service area within Chaffee County. A significant portion of the Company's structures along the 125 year old canal are aged and in need of repair or replacement. The Company intends to complete a number of phased improvements to the canal that include: repairs to the river diversion; lining of portions of the canal to reduce seepage; installation of canal monitoring using SCADA equipment; phreatophyte removal; repair/replacement of aging headgates; and installation of standardized flumes. The proposed improvements would benefit the shareholders by improving overall canal efficiency, thereby increasing the consistency of shareholder headgate deliveries. These improvements will also benefit the Company through increased operator safety. Improvements are expected to be completed between the winter of 2009 and spring of 2012. The Company did receive approval to proceed ahead from a majority of its shareholders and are proceeding ahead with emergency design and repair to a section of their ditch, with final design and construction of their diversion structure this fall.

17. WRCC, Inc. – Cobb Lake Inlet Structure Rehabilitation

Authorization: Construction Fund

County: Larimer/Weld

Water Source: Cach La Poudre
 Terms of Loan: \$1,301,890@2.85% for 30 yrs.

Project Yield: 35,000 AF
 Project Type: Reservoir Rehabilitation

WRCC, Inc. (Company) owns and operates six storage reservoirs in Larimer and Weld Counties including Cobb Lake (Reservoir). The inlet ditch to the Reservoir has been badly eroded over time and vertical degradation has resulted in very steep ditch side slopes that are a safety concern. The inlet structures were built in the early 1900s and have been patched over the years; however, they are to the point where they could be subject to sudden catastrophic failure. If this inlet failed, the Reservoir could not be filled. The Company intends to reconstruct the existing inlet structures ditch to address both the safety and possible failure issues. Construction is expected to take place in the fall of 2010

18. Huefano-Cucharas Irrigation Company – Cucharas Reservoir Rehabilitation

Authorization: Severance Tax Fund
 Water Source: Cucharas River
 Terms of Loan: \$1,622,060@2.5% for 30 yrs.

County: Pueblo/Huerfano
 Project Yield: 7,500 AF (New)
 Project Type: Reservoir Rehabilitation

The Huerfano-Cucharas Irrigation Company (Company) provides irrigation water to farmers in the Arkansas valley. The Company was organized in 1944 and currently has 47 shareholders. The Company owns and operates the Cucharas Reservoir, located east of Walsenburg. The dam is a 145-foot high rock fill dam that has undergone several enlargements since the original construction in 1914. The reservoir has a capacity of 35,395 acre-feet. A storage restriction has been in place since 1988 with a deadline of October 1, 2010, imposed by the SEO either to rehabilitate the existing dam, replace it with a new dam or a zero no-storage restriction will be imposed followed by an order to breach the dam and remove the hazard it represents. The Company plans to rehabilitate the existing dam to allow a reduced level (7,500 AF) of storage. The Project involves lowering the spillway, replacing outlet gates, installing a satellite monitoring system, and updating a new Emergency Action Plan. Pending SEO plan approval, project construction might begin during the winter of 2010/11. The owners of the project have changed since the original authorization by the Board. This change will require the project to be de-authorized and a new project presented to the Board, based on the new owner's financials and project plan.

STATE OF COLORADO

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TO: Colorado Water Conservation Board Members
Director's Report

Bill Ritter, Jr.
Governor

FROM: Kirk Russell, PE, Loan Marketing
Finance Section

James B. Martin
DNR Executive Director

DATE: May 11, 2010

Jennifer L. Gimbel
CWCB Director

SUBJECT: **May 18-19, 2010 Meeting**
Loan Forecast & Prospect Report

The Finance Section compiles a list of potential borrowers/projects for the Water Project Loan Program. The Board has roughly \$10 million available for eligible raw water projects at the July and September meetings. (Assuming there are no additional General Fund Transfers from the Construction Fund)

LOAN FORECAST

BORROWER	PROJECT NAME	PROJECT COST LOAN AMOUNT
Big Elk Meadows Assoc. (Estes Park)	Meadow Lake Outlet Rehab.	\$150,000
Plains Metro District (Metro)	Water Rights Purchase	\$1,500,000
Boulder Left Hand Irrigation. Co	Ditch Piping	\$300,000
Stagestop Owners Assoc. (Fairplay)	Dam Outlet Rehabilitation	\$200,000
Pinehurst Country Club (Metro)	Harriman Lake Project Rehabilitation	\$500,000
Roberts-Stucker Ditch (Paonia)	Ditch Repair Project (NRCS)	\$150,000
Swans Nest Metro District (Frisco)	Water System Purchase	\$200,000
	Total	\$3,000,000

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

Recent inquires:

Wiggins – Water Rights Purchase, \$1M
West Reservoir & Ditch Co. (Paonia), Ditch Piping Project, \$500K
Huerfano-Cucharas Reservoir Co., Dam Replacement, \$9M
Penrose Water District, Water Supply Project, \$3M

LOAN PROSPECTS

Basin	Last Contact	BORROWER	PROJECT NAME	PROJECT COST	LOAN AMOUNT
South Platte					
		B.H. Eaton Ditch Co (Windsor)	Pipeline & Diversion Structure	\$1,000,000	\$1,000,000
		Louden Irrigation & Reservoir Co	Ditch Improvements	\$500,000	\$500,000
		Greeley –Loveland Irrigation Co.	Augmentation Structure		\$500,000
		No Poudre Irrigation Co	Pump Station		\$5,000,000
		Town of Byers	Well & Pipeline		\$700,000
		Town of Johnstown	Kauffman Reservoir Purchase		\$5,000,000
	4/10	Boulder Left Hand Irrigation. Co	Ditch Piping (2012)		\$300,000
	2/10	Bergen Ditch Company	Dam Rehabilitation		\$2,000,000
	1/09	East Larimer County Water District	Rigdon Storage Project		\$3,000,000
		NISP Participants	NISP		\$30,000,000
	11/09	Chatfield Reallocation Participants	Chatfield Reallocation Participants		\$40,000,000
	4/10	Farmers Highline Canal Co	Diversion Structure Rehabilitation		\$500,000
	4/10	Bergen Ditch & Res. Co	Dam Rehabilitation (Late 2010)		\$1,000,000
				TOTAL	\$90,000,000
Arkansas					
	1/10	Upper Arkansas WCD	Trout Creek Reservoir	\$3,000,000	\$3,000,000
		Cherokee Metro District	Wells and Pipelines	\$800,000	\$800,000
	5/10	City of Trinidad	North Lake Reservoir Rehabilitation	\$1,600,000	\$1,600,000
	9/09	Ditch and Reservoir company	Big Johnson Reservoir		\$8,000,000
	9/09	Town of Ordway	Reservoir Rehab		\$2,000,000
				TOTAL	\$15,000,000
San Miguel/Juan					
		Farmers Water Development Co	Gurley Reservoir Enlargement	\$5,000,000	\$5,000,000
	2/09	Florida Mesa Canal Company	Canal Rehabilitation		\$900,000
	2/10	City of Ouray	Red Mountain Ditch Rehabilitation	\$200,000	\$200,000
				TOTAL	\$6,000,000
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
	2/10	Grand River Ditch Co.	Diversion Rehabilitation (Late 2010)	\$500,000	\$500,000
				TOTAL	\$1,000,000
Gunnison					
	7/09	Fire Mountain Canal & Reservoir Co.	New Reservoir		\$500,000
	10/09	Hinsdale County/Lake City	Lake San Cristobal Dam/Spillway		\$500,000
				TOTAL	\$1,000,000
Rio Grande					
				TOTAL	\$0
Yampa					
	4/09	Catamount Reservoir Company	Reservoir Rehabilitation		\$500,000
				TOTAL	\$500,000