

# 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



### **DRAFT SUMMARY MINUTES AND RECORD OF DECISIONS May 18-19, 2010 Final and Approved July 20, 2010**

Bill Ritter, Jr.  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at 1580 Logan St., Denver, CO 80203. The meeting was called to order by Chair, Geoff Blakeslee. Seven voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were Chair Geoff Blakeslee, Vice Chair Eric Wilkinson, Carl Trick, Travis Smith, John McClow, Reed Dils, and April Montgomery. The Colorado Department of Natural Resources Executive Director, Mike King, arrived shortly after the call to order. Non-voting, *Ex-Officio* members present or represented were CWCB Director Jennifer Gimbel, the Department of Agriculture Commissioner, John Stulp, The Colorado Division of Wildlife Director Tom Remington, Deputy Attorney General Casey Shpall, and Deputy State Engineer Mike Sullivan. The Interbasin Compact Committee Director, Alexandra Davis, was also present.

Note: While the Board's consideration of agenda items does not always follow the sequence indicated by the agenda numbers, these minutes are listed in agenda item order for easier reference.

#### **Tuesday, May 18, 2010**

Call to Order 8:20 a.m.

#### **1. Election of Officers and Swearing in New and Returning Board Members**

Tape 1, Track 1      00:00:00 – 00:02:40

Action: A motion was made by Travis Smith and seconded by Carl Trick to elect Geoff Blakeslee as the CWCB Chair and Eric Wilkinson as the CWCB Vice Chair. The motion was approved unanimously (7-0).

\*A complete record of the meeting has been made in electronic form using an MP2 format. The recording and the associated written materials are the only legal record of the meeting. These written summaries are intended only as an aid to research and a guide to the tapes. The motions described herein may not represent a verbatim transcription. Agenda items are presented in numerical order, according to the Agenda for the meeting. Disk numbers and approximate locations are identified for the beginning and end of each agenda item. The complete record of this meeting is available at the CWCB during regular office hours. Arrangements to make copies of the tapes or written transcripts of specific agenda items may be produced at the requestor's expense. Notes from the meeting for identification of times and tapes for specific agenda items can also be reviewed at the CWCB offices. Voting tallies are based on members present for voting. Members recusing themselves are identified. Board members occasionally leave the meeting, but the original meeting notes typically indicate whether or not a particular Board Member was present during a specific agenda item.

## **2. Review and Approval of Agenda**

Tape 1, Track 1 00:02:41 – 00:03:50

Action: A motion was made by Eric Wilkinson and seconded by Reed Dils to approve the agenda with the following changes: 1) agenda item 11a has been removed, and 2) add the Breem Ditch Water Acquisition to Executive Session. The motion was approved unanimously (7-0).

## **3. Review and Approval of Meeting Minutes**

### **a. January 26-27, 2010 Board Meeting**

Tape 1, Track 1 00:03:51 – 00:06:40

Action: A motion was made by Carl Trick and seconded by Reed Dils to approve the January 26-27, 2010 Meeting Minutes, deleting the language, “Jim Martin was not available for this motion”, on agenda item #19 and deleting the language in item #8, “Listen to Tape”, inputting the correct action that was taken. The motion was approved unanimously (7-0).

## **4. Approve and/or Remove Items from Consent Agenda**

Tape 1, Track 1 00:07:32 - 00:12:02

Action: A motion was made by Eric Wilkinson and seconded by Carl Trick to remove Consent Agenda Items 1b, 1c, 1g, 1l, and 1m for further discussion and approve the remaining Consent Agenda Items as listed on the board memo. The motion was approved unanimously (7-0).

Tape 1, Track 4 06:50:14 – 06:57:04

Action: These Consent Agenda Items 1b, 1l, and 1m were discussed on Wednesday, May 19, 2010. A motion was made by Eric Wilkinson and seconded by John McCloy to approve Consent Agenda Items 1b, 1l, and 1m. Director John Redifer was available via conference phone to participate in this action item and Director Mike King was not available for this motion. The motion was approved unanimously (9-0).

Tape 1, Track 4 06:57:05 – 07:05:53

Action: These Consent Agenda Items 1c and 1g were discussed on Wednesday, May 19, 2010. A motion was made by Carl Trick and seconded by Reed Dils to approve Consent Agenda Items 1c and 1g, providing staff addresses the concerns discussed in the meeting. Director John Redifer was available via conference phone to participate in this action item and Director Mike King was not available for this motion. The motion was approved unanimously (9-0).

## **5. Future Board Meeting Dates**

Tape 1, Track 1 00:12:06 - 00:12:20

**a. July 20-21, 2010** Salida

**b. September 21-22, 2010** Grand Junction (in conjunction with the Colorado River District Water Seminar, September 16, 2010)

**c. November 16-17, 2010** Denver

**d. January 25-26, 2011** Denver (in conjunction with Colorado Water Congress)

Action: Informational item only. No action was required by the Board.

## **6. Directors' Report**

### **a. DNR Executive Director – Mike King Reporting**

Tape 1, Track 1 00:33:52 - 00:45:40

Action: Information item only. No action was required by the Board.

**b. IBCC Director – Alexandra Davis Reporting**

Tape 1, Track 1 00:45:41 – 00:47:14

Action: Information item only. No action was required by the Board.

**c. Agriculture Commissioner – John Stulp Reporting**

Tape 1, Track 1 00:13:30 – 00:15:59

Action: Information item only. No action was required by the Board.

**d. CWCB Director – Jennifer Gimbel Reporting**

Tape 1, Track 1 00:16:00 - 00:33:51

Action: Jennifer Gimbel proposed a Resolution of Appreciation to the Board honoring 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. A motion was made by Travis Smith and seconded by Carl Trick to enter this Resolution into the Official Record. The motion was approved unanimously (8-0).

Jennifer Gimbel proposed a second Resolution of Appreciation to the Board honoring 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. A motion was made by Eric Wilkinson and seconded by John McClow to enter this Resolution into the Official Record. The motion was approved unanimously (8-0).

**e. State Engineer – Mike Sullivan Reporting**

Tape 1, Track 1 00:47:14 - 01:13:59

Action: Information item only. No action was required by the Board.

**f. Division of Wildlife - Tom Remington Reporting**

Tape 1, Track 1 01:14:00 - 01:21:09

Action: Information item only. No action was required by the Board.

**g. Water Resource and Power Development Authority – Michael Brod Reporting**

Action: Director Michael Brod’s report was included in the Board notebook.

**7. Interstate and Federal Section – WaterSmart Water Bank Grant Application**

Tape 1, Track 1 01:21:36 - 01:44:03

Action: Information item only. No action was required by the Board.

**8. Interstate & Federal Section/Stream and Lake Protection Section – Wild and Scenic Rivers**

Tape 1, Track 1 01:44:04 – 02:09:04

Action: A motion was made by Eric Wilkinson and seconded by John McClow to ratify the letters that have been submitted by CWCB Director Jennifer Gimbel in relationship to Colorado Segment 1, Colorado Segment 2, and the Little Dolores River, to be submitted to the BLM. The motion was approved unanimously (8-0).

**9. Finance Section/Interstate & Federal Section – Animas-La Plata (ALP) State’s Pool Allocation Update**

Tape 1, Track 1 02:09:05 – 02:34:47

Action: Information item only. No action was required by the Board.

## **10. Finance Section – Financial Matters**

### **a. Construction/Severance Tax Fund Cash Balance Report**

Tape 1, Track 1 02:34:48 – 02:45:49

Action: Information item only. No action was required by the Board.

### **b. Loan Lending Rates for FY 2010/11**

Tape 1, Track 1 02:45:50 – 02:53:53

Action: A motion was made by Travis Smith and seconded by Carl Trick to approve staff recommendation that the Board adopt the schedule of 30-year lending rates based on the Board approved Financial Policy No. 7 for all loans recommended to the General Assembly or approved by the Board from July 1, 2010 through June 30, 2011. The motion was approved unanimously (8-0).

## **11. Finance Section – Revisions to Existing Loans**

### **a. Owl Creek Reservoir Company – Owl Creek Reservoir Rehabilitation (Increase)**

Action: This agenda item was withdrawn from the agenda.

### **b. Tom Hill – McElroy Reservoir Rehabilitation (Loan Restructure)**

Tape 1, Track 1 02:58:00 – 03:05:54

Action: A motion was made by Carl Trick and seconded by Travis Smith to approve staff recommendation that the Board approve Tom C. Hill's request to defer the principal portion of his May 2010 annual loan payment, to continue the May 2011 annual loan payment in the amount of \$96,023.58, and to allow the repayment term to extend one year so that the loan will mature in May 2020. The Promissory Note and contract amendment shall be completed for Loan Contract No. C150223 to reflect the revised terms and conditions stated in the Board memo. This deferral is based on CWCB's finding that Tom Hill has encountered significant hardship and unexpected financial difficulties, and that he has been duly diligent in his efforts to comply with the repayment provisions of the loan contract with the CWCB. The motion was approved unanimously (8-0).

### **c. City of Aurora – Prairie Waters Project (Loan Restructure)**

Tape 1, Track 1 02:53:53 – 02:57:59

Action: A motion was made by Reed Dils and seconded by Eric Wilkinson to approve staff recommendation that the Board approve the request of the City of Aurora for CWCB to amend the repayment provisions of the Promissory Note to include the first two annual payments at \$2,840,625.00 and the remaining annual payments at \$4,415,876.87 for the 30-year term of the loan agreement; first annual payment to commence May 1, 2011. The Promissory Note and contract amendment shall be completed for Loan Contract No. C150243 to reflect the revised terms and conditions stated in the Board memo. The motion was approved unanimously (8-0).

## **12. Stream and Lake Protection Section – San Miguel River Instream Flow Recommendation**

Tape 1, Track 1 03:27:00 – 04:25:24

Action: Information item only. No action was required by the Board.

## **13. Stream and Lake Protection Section – Injury with Mitigation – Case No. 4-03CW108: Application of Upper Gunnison River Water Conservancy District, Lake San Cristobal**

Tape 1, Track 1 04:25:25 – 05:03:25

Action: A motion was made by Carl Trick and seconded by Travis Smith to approve staff recommendation that the Board: 1) make a preliminary determination that the natural

environment of Lake San Cristobal could be preserved to a reasonable degree with the proposed injury if applicant and any successors in interest, including the lake San Cristobal Water Activity Enterprise, provide the proposed mitigation. John McClow recused himself from the discussion and motion and Mike King was not available for this motion. The motion was approved unanimously (6-0).

#### **14. Finance Section – New Project Loans**

##### **a. Consolidated Extension Canal Company – Emergency Repair of the Las Animas Consolidated Canal Diversion Dam**

Tape 1, Track 1 05:03:26 – 05:11:23

Action: A motion was made by Travis Smith and seconded by Eric Wilkinson to approve staff recommendation that the Board approve a loan from the Construction Fund not to exceed \$180,285 (\$178,500 for project costs and \$1,785 for the 1% Loan Service Fee) to the Consolidated Extension Canal Company for engineering and construction costs related to the Emergency Repair of the Las Animas Consolidated Canal Diversion Dam Project. The loan terms shall be 30 years at the agricultural rate of 2.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Mike King was not available for this motion. The motion was approved unanimously (7-0).

##### **b. Las Animas Consolidated Canal Company – Emergency Repair of the Las Animas Consolidated Canal Diversion Dam**

Tape 1, Track 1 05:11:24 – 05:16:00

Action: A motion was made by Carl Trick and seconded by Travis Smith to approve staff recommendation that the Board approve a loan from the Construction Fund not to exceed \$77,265 (\$76,500 for project costs and \$765 for the 1% Loan Service Fee) to the Las Animas Consolidated Canal Company for engineering and construction costs related to the Emergency Repair of the Las Animas Consolidated Canal Diversion Dam Project. The loan terms shall be 30 years at the agricultural rate of 2.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Mike King was not available for this motion. The motion was approved unanimously (7-0).

##### **c. Parkville Water District – Canterbury Tunnel Repair**

Tape 1, Track 1 05:16:01 – 05:43:40

Action: A motion was made by Carl Trick and seconded by Reed Dils to approve staff recommendation that the Board approve a loan not to exceed \$1,838,200 (\$1,820,000 for project costs and \$18,200 for the 1% Loan Service Fee) to the Parkville Water District for the Canterbury Tunnel Repair Project from the CWCB Construction Fund, with the contract condition that a substitute supply plan is accepted and approved, by the State Engineer's Office, prior to the disbursement of loan funds. The loan terms shall be the Low-Income Municipal interest rate of 4.0% per annum for 30 years. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Mike King was not available for this motion. The motion was approved unanimously (7-0).

##### **d. City of Monte Vista – Augmentation Water Rights Acquisition**

Tape 1, Track 1 05:43:40 - 05:57:42

Action: A motion was made by Carl Trick and seconded by John McClow to approve staff recommendation that the Board approve a loan not to exceed \$1,693,770 (\$1,677,000 for project costs and \$16,770 for the 1% Loan Service Fee) to the City of Monte Vista, acting by and through its water activity enterprise, for the Water Rights Acquisition Project from the Construction Fund. The terms of the loan shall be 30 years at the low-income municipal rate of 4.0% per annum. Staff will have the option to enter into two separate

contracts which in aggregate will not exceed the approved limit. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Staff also recommends an additional contract condition: No CWCB funds will be disbursed until the city has an executed storage agreement for the water rights being financed through this loan. Travis Smith recused himself from the discussion and motion and Mike King was not available for this motion. The motion was approved unanimously (6-0).

#### **15. Finance Section – Future Project Loan Review and Board Approval**

Tape 1, Track 1 05:57:43 – 06:14:34

Action: Information item only. No action was required by the Board.

#### **16. Watershed Protection and Flood Mitigation Section – Update on Proposed Floodplain Rules**

Tape 1, Track 1 06:14:35 – 06:26:50

Action: A motion was made by Eric Wilkinson and seconded by Travis Smith to approve the above staff recommendation that the Board approve the revised rulemaking schedule (timeline) for the proposed floodplain rules and regulations as outlined below:

1. September 30, 2010: File Notice of Rulemaking and proposed rules with the Secretary of State and Dept. of Regulatory Agencies.
2. October 10, 2010: Notice of Rulemaking published in Colorado Register.
3. November 17, 2010: Board holds Rulemaking Hearing in conjunction with November Board meeting. Rules need to be adopted on or before November 24, 2010.
4. December 14, 2010: File Rules with the Secretary of State and Dept. of Regulatory Agencies
5. December 25, 2010: Rules published in Colorado Register
6. January 14, 2011: Rules effective

April Montgomery was not available for this motion. The motion was approved unanimously (7-0).

#### **17. Stream and Lake Protection Section – Uncontested 2010 Instream Flow Appropriations**

Tape 1, Track 1 06:26:51 – 06:30:45

Action: A motion was made by Reed Dils and seconded by April Montgomery to approve staff recommendation, on the streams listed in the Board memo, that the Board;

1. Make the following determinations and take the following actions on each of the appropriations, based on the information contained in the memo as well as the information presented by staff both in writing and orally at the January 26, 2010 Board meeting;
2. Determine, pursuant to section 37-92-102(3), C.R.S., and based upon the recommendations of the BLM, DOW, and/or TU, a review of the data and other information presented by staff, in the memo and orally, that:
  - a. There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted,
  - b. Water is available in each stream for appropriation,

- c. The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations, and
  - d. Such natural environment can exist without material injury to water rights. Pursuant to ISF Rule 5f., establish January 26, 2010, as the appropriation date for these instream flow water rights; and,
3. Direct staff to request the Attorney General's Office to file the necessary water rights applications and include language in the Animas River applications recognizing the senior conditional water rights owned by the Southwestern Water Conservation District.

The motion was approved unanimously (8-0).

### **18. Stream and Lake Protection Section – Contested 2010 Instream Flow Appropriations**

Tape 1, Track 1 06:30:46 – 06:35:51

Action: A motion was made by Carl Trick and seconded by April Montgomery to approve staff recommendation that the Board designate a Hearing Officer and set hearing dates for the Morrison Creek and Tabeguache Creek ISF appropriations in conjunction with the September 2010 CWCB meeting. Casey Shpall, Deputy Attorney General was appointed as the Hearing Officer. Mike King was not available for this motion. The motion was approved unanimously (7-0).

### **19. Stream and Lake Protection Section – Contested 2009 ISF Appropriations**

Tape 1, Track 1 06:35:52 – 06:38:22

Action: A motion was made by Reed Dils and seconded by Travis Smith to approve staff recommendation that the Board designate a Hearing Officer and set hearing dates for the Cucharas Creek and the Huefano River ISF appropriations in conjunction with the November 2010 CWCB meeting. Mike King was not available for this motion. The motion was approved unanimously (7-0).

### **20. Stream and Lake Protection Section – Proposed Water Rights Acquisition on the Alamosa River**

Tape 1, Track 1 06:38:23 – 06:54:22

Action: Pursuant to Rule 6b, a motion was made by Travis Smith and seconded by Eric Wilkinson to approve staff recommendation that the Board;

- 1. Conclude that the proposed acquisition by donation of 2.5 cfs of the Gabino Gallegos Ditch water right is appropriate to preserve and improve the natural environment of the Alamosa River to a reasonable degree,
- 2. Determine that the acquired Gabino Gallegos Ditch water right would be best utilized by storing in Terrace Reservoir up to 427 acre feet of water historically diverted by the Gabino Gallegos Ditch water right, and releasing such water to the Alamosa River during the late summer, fall, and early winter to preserve and improve the natural environment by establishing more sustainable surface stream flows in the river segment between Terrace Reservoir and County Road 10,
- 3. Authorize the Director to approve an agreement allowing the ARK to retain an interest in the water so that ARK may lease back the acquired water right for irrigation use in order to protect the HCU while the reservoir spillway is reconstructed,

4. Determine that until the reservoir spillway is reconstructed the CWCB should maintain an option to utilize the water right by bypassing the water at the headgate for instream flow use downstream of the headgate on the Alamosa River,
5. Approve the Donation and Acquisition Agreement with Valle Del Sol Community Center/Alamosa Riverkeepers,
6. Accept the donation of 2.5 cfs of the Gabino Gallegos Ditch from Valle Del Sol Community Center/Alamosa Riverkeepers,
7. Approve the Storage Agreement with Terrace Irrigation Company and Valle Del Sol Community Center/Alamosa Riverkeepers;
8. Authorize the Director to execute the Donation and Acquisition Agreement and the Storage Agreement; and,
9. Direct staff to work with the Attorney General's office to file the necessary change of water right application with the Water Court.

Mike King was not available for this motion. The motion was approved unanimously (7-0).

## **21. Stream and Lake Protection Section – Authorization to Proceed to Trial**

### **a. Case No. 5-08CW77: Application of Eagle River Water & Sanitation District**

Tape 1, Track 1 06:54:23 – 06:58:50

Tape 1, Track 3 00:00:00 – 00:02:10

Action: Pursuant to ISF Rule 8j., a motion was made by Eric Wilkinson and seconded by Travis Smith to approve staff recommendation that the Board authorize staff to proceed to trial to protect the Board's instream flow water rights in the event that staff and the Attorney General's office are unable to reach a settlement with the applicant. Mike King was not available for this motion. The motion was approved unanimously (7-0).

### **b. Case No. 5-07CW262: Application of the Town of Minturn**

Tape 1, Track 1 06:54:23 – 06:58:50

Tape 1, Track 3 00:00:00 – 00:02:10

Action: Pursuant to ISF Rule 8j., a motion was made by Eric Wilkinson and seconded by Travis Smith to approve staff recommendation that the Board authorize staff to proceed to trial to protect the Board's instream flow water rights in the event that staff and the Attorney General's office are unable to reach a settlement with the applicant. Mike King was not available for this motion. The motion was approved unanimously (7-0).

### **c. Case No. 5-95CW272: Application of Colorado Springs and Aurora**

Tape 1, Track 1 06:54:23 – 06:58:50

Tape 1, Track 3 00:00:00 – 00:02:10

Action: Pursuant to ISF Rule 8j., a motion was made by Eric Wilkinson and seconded by Travis Smith to approve staff recommendation that the Board authorize staff to proceed to trial to protect the Board's instream flow water rights in the event that staff and the Attorney General's office are unable to reach a settlement with the applicant. Mike King was not available for this motion. The motion was approved unanimously (7-0).



**22. Attorney General's Report, Legal Briefing and Executive Session – *This is a briefing on legal issues contained in the Attorney General's written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney client privilege.***

**Executive Session Items**

- a. Colorado River Basin Fund
- b. Grand Canyon Trust Litigation
- c. Case No. 5-08CW77: Application of Eagle River Water & Sanitation District
- d. Case No. 5-07CW262: Application of the Town of Minturn
- e. Case No. 5-95CW272: Application of Colorado Springs and Aurora
- f. U.S./Mexico Negotiations
- g. Fish and Wildlife Mitigation Statute (section 37-60-122.2, C.R.S.)
- h. Dominguez Canyon Wilderness Area Instream Flow Recommendations
- i. Republic River Litigation
- j. Breem Ditch Water Acquisition

Tape 1, Track 1            06:54:23 - 06:57:05

Action: A motion was made by Travis Smith and seconded by Carl Trick to go into Executive Session to discuss Agenda Items 22a-22j. Mike King was not available for this motion. The motion was approved unanimously (7-0).

A motion was made by Eric Wilkinson and seconded by Carl Trick to go out of Executive Session. Mike King was not available for this motion. The motion was approved unanimously (7-0).

Tape 1, Track 4            03:58:43 – 04:00:19

Action: A motion was made by Carl Trick and seconded by Eric Wilkinson to go into Executive Session during the Board's lunch hour on Wednesday, May 19, 2010, to further discuss Agenda Item 22j, the Breem Ditch Water Acquisition. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**23. Report from Executive Session**

Tape 1, Track 3            00:00:00 - 00:02:10

Tape 1, Track 4            04:00:30 – 04:01:05

Action: Deputy Attorney General Casey Shpall reported that the Board went into Executive Session (twice), pursuant to C.R.S. Section 24-6-402(3)(a)(II) for discussion of Agenda Items 22a-22j and that the discussion was limited to those items only.

**RECESSED            5:30 p.m.**

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at 1580 Logan St., Denver, CO 80203. The meeting was called to order by Chair, Geoff Blakeslee. Eight voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were Chair Geoff Blakeslee, Vice Chair Eric Wilkinson, Carl Trick, Travis Smith, John McClow, Reed Dils, April Montgomery, and Mike King. Barbara Biggs arrived shortly after the call to order. Non-voting, *Ex-Officio* members present or represented were CWCB Director Jennifer Gimbel, The Colorado Division of Wildlife Director Tom Remington, Deputy Attorney General Casey Shpall, and Deputy State Engineer Mike Sullivan. The Interbasin Compact Committee Director, Alexandra Davis, was also present. Director John Redifer was available, via telephone conferencing, for Agenda Item 34 and the Consent Agenda Items that were pulled from the agenda yesterday, for discussion.

**Wednesday, May 19, 2010**

Call to Order 8:06 a.m.

**24. Watershed Protection and Flood Mitigation Section – Southern Delivery System Fish and Wildlife Mitigation Plan**

Tape 1, Track 4 00:00:00 - 00:30:33

Action: A motion was made by Reed Dils and seconded by April Montgomery to approve staff recommendation that the Board approve the proposed plan, discussed in the Board memo, according to C.R.S. 37-60- 122.2, but only if the MOA has been signed by DOW and the project participants.

The MOA between DOW and the project participants must be executed before the Board can approve the plan. The motion was approved unanimously (9-0).

**25. Basin Director's Report**

**a. Colorado River (Mainstem) Basin Director Report**

Action: No report on this item.

**b. San Juan/San Miguel-Dolores River Basin – April Montgomery Reporting**

Tape 1, Track 4 00:30:34 - 00:34:59

Action: Information item only. No action was required by the Board.

**c. Gunnison River Basin – John McCLOW Reporting**

Tape 1, Track 4 00:35:00 - 00:42:33

Action: Information item only. No action was required by the Board.

**d. Basin Director Report – North Platte River Basin Director Report – Carl Trick Reporting**

Tape 1, Track 4 00:42:34 - 00:46:42

Action: Information item only. No action was required by the Board.

**e. South Platte River Basin Director Report – Vice Chair Eric Wilkinson Reporting**

Tape 1, Track 4 00:46:43 - 01:03:05

Action: Information item only. No action was required by the Board.

**f. Arkansas River Basin Director Report – Reed Dils Reporting**

Tape 1, Track 4 01:23:36 - 01:34:32

Action: Information item only. No action was required by the Board.

**g. City and County of Denver Director Report – Barbara Biggs Reporting**

Tape 1, Track 4 01:03:06 - 01:17:00

Action: Information item only. No action was required by the Board.

**h. Rio Grande River Basin Director Report – Travis Smith Reporting**

Tape 1, Track 4 01:17:01 - 01:17:44

Action: Information item only. No action was required by the Board.

**i. Yampa-White River Basin Director Report – Chair Geoff Blakeslee Reporting**

Tape 1, Track 4 01:17:45 - 01:23:35

Action: Information item only. No action was required by the Board.

**26. Water Supply Planning Section – Colorado River Water Availability Planning Ranges and Update on Water Supply Planning Activities**

Tape 1, Track 4 01:34:33 - 02:20:59

Action: Information item only. No action was required by the Board.

**27. Colorado/Wyoming Coalition and Flaming Gorge Pipeline Project – Frank Jaeger Presenting**

Tape 1, Track 4 02:21:00 - 02:57:25

Action: Information item only. No action was required by the Board.

**28. Water Supply Planning Section – WSRA Criteria and Guidelines**

Tape 1, Track 4 02:57:26 - 03:33:17

Action: A motion was made by Eric Wilkinson and seconded by Travis Smith to approve staff recommendation that the Board approve the amended version of the Water Supply Reserve Account (WSRA) Criteria and Guidelines and direct staff to send a letter on behalf of the IBCC and the CWCB to the basin roundtables detailing their responsibilities as outlined in HB05-1177. The motion was amended to include changes to the language in Part 3, Number 4 of page 14, the first sentence, changing “water supply needs” to “water needs assessments”. Also change to language to clarify that the completed needs assessments are forwarded to the IBCC and other basin roundtables, not the approval letters. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**29. Water Supply Planning Section – Water Supply Reserve Account – Grant Applications**

**a. Gunnison River Festival – 75 Ditch Diversion Improvements and Feature Enhancements**

Tape 1, Track 4 03:33:18- 03:39:27

Action: A motion was made by Travis Smith and seconded by Carl Trick to approve staff recommendation that the Board approve up to \$46,100 from the Gunnison Basin Account for the construction of a multi-purpose structure on the Gunnison River in Gunnison at the location of the 75 Ditch diversion, contingent on resolution of the items in the issues/additional needs section of the Board memo, and no funds are to be distributed until these needs are resolved. John McClow recused himself from this motion and Mike King was not available for this motion. The motion was approved unanimously (7-0).

**b. Lake San Cristobal Water Activity Enterprise (LSCWAE) – Lake San Cristobal Outlet Structure**

Tape 1, Track 4 03:39:28 – 03:45:18

Action: A motion was made by Carl Trick and seconded by April Montgomery to approve staff recommendation that the Board approve up to \$150,000 from the Gunnison Basin Account to install a structure at the outlet of Lake San Cristobal for water storage augmentation, contingent on resolution of the items in the issues/additional needs section of the Board memo. The motion was amended to include the stipulation that no money is to be distributed until the mitigation is resolved. John McClow recused himself from this motion and Mike King was not available for this motion. The motion was approved unanimously (7-0).

**c. Ducks Unlimited, Inc. – North Park Irrigated Meadow Conservation Program – Phase I**

Tape 1, Track 4 03:45:19 – 03:58:42

Action: A motion was made by Carl Trick and seconded by Reed Dils to approve staff recommendation that the Board approve up to an additional \$20,000 from the North

Platte Basin Account to fund the North Park Irrigated Meadow Conservation Program – Phase I for Ducks Unlimited, Inc. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**d. The Colorado Rio Grande Restoration Foundation – 2009 Rio Grande Riparian Stabilization Project – Phase 4**

Tape 1, Track 4 04:01:40 – 04:06:10

Action: A motion was made by Travis Smith and seconded by Barbara Biggs to approve staff recommendation the Board approve up to \$50,000 from the Rio Grande Basin Account to help complete the 2009 Rio Grande Stabilization Project – Phase 4. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**e. San Luis Peoples Ditch Company – San Luis Peoples Ditch Upgrade and Rehabilitation Project – Phase 1**

Tape 1, Track 4 04:06:11 – 04:09:20

Action: A motion was made by Travis Smith and seconded by Reed Dils to approve staff recommendation that the Board approve up to \$40,000 from the Rio Grande Basin Account to help complete the San Luis Peoples Ditch Upgrade and Rehabilitation Project – Phase I. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**f. Rio Grande Watershed Conservation and Education Initiative – Educating Today to Balance Tomorrow's Water Supplies & Needs**

Tape 1, Track 4 04:09:21 – 04:11:04

Action: A motion was made by Travis Smith and seconded by Carl Trick to approve staff recommendation that the Board approve up to \$25,000 from the Rio Grande Basin Account to help complete this project. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**g. El Paso County Water Authority/The Keystone Center – Flaming Gorge Project Task Force Assessment**

Tape 1, Track 4 04:11:05 – 04:15:35

Action: A motion was made by Reed Dils and seconded by Carl Trick to approve staff recommendation that the Board approve up to \$20,000 from the Arkansas Basin Account and \$20,000 from the Metro Basin Account for assessing the viability of convening a Flaming Gorge Task Force. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**30. Water Supply Planning Section – Proposed Change of Fiscal Agent for Water Supply Reserve Account Project: Lower Willow Creek Restoration Project**

Tape 1, Track 4 04:15:35 – 04:25:22

Action: A motion was made by Travis Smith and seconded by Barbara Biggs to approve staff recommendation that the Board grant the requested change of fiscal agent for the Water Supply Reserve Account application of the Lower Willow Creek Restoration Project. Mike King was not available for this motion. The motion was approved unanimously (8-0).

**31. Office of Water Conservation and Drought Planning Section – Status of the State Drought Mitigation and Response Plan Revision and Associated Work Products**

Tape 1, Track 4 04:40:08 – 05:15:00

Action: Information item only. No action was required by the Board.

### **32. Office of Water Conservation and Drought Planning Section – Proposed Revisions to the Guidelines for the Office to Review and Evaluate Water Conservation Plans**

Tape 1, Track 4 04:25:22 – 04:40:07

Action: A motion was made by Barbara Biggs and seconded by Eric Wilkinson to approve staff recommendation that the Board adopt the proposed revisions to the Guidelines for the Office to Review & Evaluate Water Conservations Plans. Mike King was not available for this motion. The motion was approved unanimously (8-0).

### **33. Colorado Foundation for Water Education – FY 2010/11 Scope of Work**

Tape 1, Track 4 05:15:01 – 05:35:15

Action: A motion was made by Travis Smith and seconded by Barbara Biggs to approve staff recommendation that the Board approve the FY 2010/11 Scope of Work for the Colorado Foundation for Water Education. The motion was approved unanimously (9-0).

### **34. Stream and Lake Protection Section – New Appropriation Recommendations in Water Division 4**

Tape 1, Track 4 05:35:45 – 06:50:14

Action: A motion was made by John McCLOW and seconded by John Redifer (attending via telephone conferencing) to approve staff recommendations, as modified below;

1. Pursuant to ISF Rule 5d., declare its intent to appropriate an ISF water right on each segment of Big Dominguez Creek and Little Dominguez Creek listed on the attached Tabulation of Instream Flow Recommendations, in the amount of all the annually available flow on the subject streams, minus the development allowance described in this memo.
2. Direct Staff to publicly notice the Board's declaration of its intent to appropriate, including the Board's intent to include non-precedent language in the water court decree for these ISF water rights.
3. Establish the following initial schedule for the notice and comment procedure pursuant to ISF Rule 5c. (dates have been moved back 2 additional weeks to allow time for any parties to file a Notice to Contest):

<u><b>Date</b></u>	<u><b>Action</b></u>
May 19, 2010	Board declares its intent to appropriate and hears public comment
June 30, 2010	Notice to Contest due
July 07, 2010	Deadline for notification to ISF Subscription Mailing List of Notices to Contest (no notification necessary if no NTCs received)
July 14, 2010	Notices of Party Status and Contested Hearing Participant Status due At the July Board meeting, if necessary, Staff informs Board of Parties and Participants; Board sets hearing date

The motion was approved unanimously (10-0).

**ADJOURNED 5:00 p.m.**