

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



September 13-15, 2010 Agenda

A meeting of the Colorado Water Conservation Board (CWCB) will commence on Monday, September 13, 2010, at 1:00 p.m. and continue through Wednesday, September 15, 2010. This meeting will be held at the Ute Water Conservancy District's Headquarters office at 2190 H ¼ Road, Grand Junction, Colorado 81505.

The CWCB will hold a Finance Committee Workshop, Monday, September 13, 2010, from 1:00 p.m. to 5:00 p.m., at the same location as above.

The CWCB posts notices of its meetings 30-days from the next regular meeting. Notices of special meetings are posted on the website within five business days and not less than 24-hours of such a meeting. Notices of regular and special meetings may also be received by email. To receive notices by email visit: <http://cwcb.state.co.us/Pages/CWCBIBCCInsider.aspx>. Although dates and times are indicated in this notice and in the following agenda, the CWCB may address and take action on noticed items in any order. Known changes will be announced at the beginning of the meeting. This notice, any late notice (s) of additional items, and briefing memos prepared for the CWCB will be posted at 1313 Sherman Street, Suite 721, Denver, CO 80203, and on our internet website at: www.cwcb.state.co.us.

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

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

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

Bill Ritter, Jr.
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Monday, September 13, 2010

CWCB Workshops - 1:00 p.m. – 5:00 p.m.

- a. Financial Committee
- b. Flood DSS
- c. Weather Modification
- d. Jennifer Gimbel – Report on Australia’s Water

Tuesday, September 14, 2010

CWCB Call to Order 8:00 a.m.

1. Review and Approval of Agenda (8:00 – 8:05)
2. Review and Approval of Meeting Minutes – July 20-21, 2010 Board Meeting (8:05 – 8:10)
3. Approve and/or Remove Items from Consent Agenda (8:10 – 8:15)
4. Future Board Meeting Dates – Proposed future CWCB Board Meeting Dates – *The Board will be asked to choose future meeting dates and locations for calendar year 2011.* (8:15 – 8:20)
 - a. November 16-17, 2010 Denver
 - b. January 25-26, 2011 Denver/Hilton Garden Inn DTC (in conjunction with Colorado Water Congress)
 - c. March 15-16, 2011 Denver
 - d. May 17-18, 2011 Durango
 - e. July 12-13, 2011 To be decided by the Board
 - f. September 13-14, 2011 To be decided by the Board
 - g. November 15-16, 2011 Denver
5. Directors’ Reports (8:20 – 9:15)
 - a. DNR Executive Director
 - b. IBCC Director
 - c. Agriculture Commissioner
 - d. CWCB Director
 - e. State Engineer
 - f. Division of Wildlife
 - g. Water Resource and Power Development Authority
6. Water Information Section – Colorado River Water Availability Study Phase I Comments and Phase I Completion Recommendations (9:15 – 10:00)

BREAK 10:00 – 10:15

7. Division Engineer Update on Water Division 5 Activities (10:15 – 10:45)
8. Stream & Lake Protection Section – 2010 San Miguel River Instream Flow Recommendation – *The Board will hear an update and public comment and on the instream flow recommendation.* (10:45 – 11:45)
9. Stream & Lake Protection Section – Authorization to Proceed to Trial (11:45 – 12:05)
 - a. Case Nos. 5-99CW194 and 5-99CW195 Consolidated: Applications of the Town of Eagle – *Pursuant to ISF Rule 8j., the CWCB staff will seek authorization to proceed to trial in these applications for water rights, change of water rights, and approval of plans for augmentation.*

- b. Case Nos. 5-07CW225 and 5-06CW264 Consolidated: Applications of the Town of Minturn and Ginn Battle South, LLC, et al. – *Pursuant to ISF Rule 8j., the CWCB staff will seek authorization to proceed to trial in these applications for water rights and approval of a plan for augmentation including exchange.*

10. 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. (12:05 – 12:15)*

LUNCH 12:15 – 1:15

11. Executive Session (1:15 – 2:00)

- a. Legal Questions regarding the Colorado River
- b. Eagle River Resolved Cases Update
- c. Case Nos. 5-99CW194 and 5-99CW195 Consolidated: Applications of the Town of Eagle
- d. Case Nos. 5-07CW225 and 5-06CW264 Consolidated: Applications of the Town of Minturn and Ginn Battle South, LLC, et al.
- e. **NEW ADDED ITEM:** Lake Okeechobee litigation

12. Report from Executive Session (2:00 – 2:05)

13. Stream & Lake Protection Section – Contested and Resolved 2010 Instream Flow Appropriations – *Staff will ask the Board to approve a stipulation with the contesting parties and take final action on the following creeks. (2:05 – 2:25)*

- a. Tabeguache Creek
- b. Morrison Creek

14. Watershed & Flood Protection Section – Benefit Cost Analysis for Proposed Floodplain Rules (2:25 – 2:45)

15. Watershed & Flood Protection Section – Approval of State Flood Plan (2:45 – 3:00)

BREAK 3:00 – 3:15

16. Office of Water Conservation & Drought Planning Section – Approval of State Drought Mitigation & Response Plan (3:15 – 4:15)

17. Interstate & Federal Section – Colorado River Basin Study – *The staff will provide an update on this study and request the Board's input. (4:15 – 4:35)*

18. Interstate & Federal Section – Colorado River Issues – *The staff will inform the board about the following: (4:35 – 5:35)*

- a. Annual Operating Plan
- b. Glen Canyon Dam Adaptive Management Workgroup
- c. High Flow Experiment Protocol
- d. Basin Fund

18.5 Interstate & Federal Section - Request for Expenditure from Litigation Fund – *CWCB staff will request authorization from the Board for expenditures associated with the Lake Okeechobee litigation. (5:35 – 5:45)*

RECESS 5:45 p.m.

Wednesday, September 15, 2010

CWCB Call to Order 8:00 a.m.

19. Basin Directors' Reports (8:00 – 9:00)
 - a. Colorado River (Mainstem) Basin Director's Report
 - b. San Juan/San Miguel-Dolores River Basin Director's Report
 - c. Gunnison River Basin Director's Report
 - d. North Platte River Basin Director's Report
 - e. South Platte River Basin Director's Report
 - f. Arkansas River Basin Director's Report
 - g. City and County of Denver Director's Report
 - h. Rio Grande River Basin Director's Report
 - i. Yampa-White River Basin Director's Report
20. Discussion on Ballot Proposals (9:00 – 9:10)
21. Finance Section – Prequalification Project List Update & Loan Prospect Summary (9:10 – 9:20)
22. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation Update (9:20 – 9:40)
23. Interstate & Federal Section – Gunnison Selenium Management Program – *The staff will provide an overview and an update of this program.* (9:40 – 9:55)
24. Interstate & Federal Section - Tamarisk and Russian Olive Grant Program – *The staff will provide and update and overview of this program and of local projects funded by this program.* (9:55 – 10:15)
- BREAK 10:15 – 10:30**
25. The Colorado River Water Conservation District Board will join the CWCB Board for a joint meeting (10:30 – 12:00)
- LUNCH 12:00 – 1:00**
26. Finance Section – FY 2011/12 Severance Tax Operational Account Recommendations (1:00 – 1:30)
27. Finance Section – Construction/Severance Tax Funds Projections and Cash Balance Report (1:30 – 1:45)
28. Interstate & Federal Section – Wild and Scenic Rivers Update (1:45 – 2:00)
29. Watershed & Flood Protection Section – Chatfield Reservoir Reallocation, City of Brighton Storage Space Transfer (2:00 – 2:20)
30. Water Supply Planning Section – Alternative Agricultural Transfer Methods Grant Program Criteria and Guidelines Approval (2:20 – 2:35)

31. Water Supply Planning Section – Water Supply Reserve Account – De-authorization of Funds for Alamosa River Watershed Restoration Project (2:35 – 2:50)

BREAK 2:50 – 3:05

32. Water Supply Planning Section - Water Supply Reserve Account – Grant Applications (3:05 – 5:00)

- a. Lower South Platte Water Conservancy District – Lower South Platte Water Cooperative South Platte Basin Organizational Analysis
- b. Ducks Unlimited, Inc. – Development of a Decision Support Model for Identifying and Ranking Waterfowl and Wildlife Related Recharge Projects Along the South Platte River
- c. Grand River Ditch Company – Grand River Ditch Pipeline
- d. Town of Gypsum – L.E.D.E. Ditch and Reservoir Reconstruction
- e. Fountain Creek Watershed Greenway and Flood Control District – Flathead Chub Movement Associated with the Clear Springs Ranch Diversion Structure in Fountain Creek
- f. The Colorado Rio Grande Restoration Foundation – 2009 Rio Grande Riparian Stabilization Project – Phase 4
- g. Florida Mesa Canal Companies – Canal Seepage Reduction Program
- h. Colorado Climate Center, Colorado Division of Water Resources – Improvement of Lysimeter Operations and Consumptive Use Quantification in High-Altitude, Irrigated Meadows in the Yampa/White Basin
- i. South Metro Water Supply Authority – Aquifer Recharge Pilot Study
- j. Douglas County Water Resources Authority – Rotary Sprinkler Nozzle Retrofit
- k. Rural Water Authority of Douglas County – Rural Douglas County Groundwater-Level Monitoring Network
- l. Colorado Foundation for Water Education – Solicitation of Stakeholder Input and Advice Through a Colorado River Basin Edition of Headwaters Magazine Colorado

ADJOURN 5:00 p.m.

CWCB Consent Agenda
September 13-15, 2010

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

1. Stream and Lake Protection Section – Statements of Opposition – *The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:*
 - a. Case No. 2-10CW031: Application of Cripple Creek & Victor Gold Mining Co.
 - b. Case No. 3-10CW012: Application of Jack Morris/Last Chance Mine
 - c. Case No. 5-10CW025: Application of The Grand Tunnel Ditch Co.
 - d. Case No. 5-10CW147: Application of Elk Mountain Lodge, LLC

2. Watershed & Flood Protection Section –
 - a. Designation and Approval of Floodplain Information
 - b. “Flood Insurance Study, Mesa County, Colorado, and Incorporated Areas”, Federal Emergency Management Agency, July 2010
 - c. “Flood Insurance Study, La Plata County, Colorado, and Incorporated Areas”, Federal Emergency Management Agency, August 2010
 - d. “Flood Insurance Study, Delta County, Colorado, and Incorporated Areas”, Federal Emergency Management Agency, August 2010