

NPBRT Minutes: 10-26-10 Meeting
NFS Conf. Room (7-9PM)
100 Main Street, Walden, CO

Members Present

*Mike Allnutt
*Jimmer Baller
*Kent Crowder
*Scott Fischer
*Tom Hackleman
*Hal Hagan
*John Rich
Carl Trick II
*Ty Wattenberg
*Rick Wyatt
*Barbara Vasquez

Guests Present

Corey Engen - Flywater
Brian Hodge – TU
Tim Kelley–Kelley Greenlandscapes
Rick Henderson-USFS
Matt Reddy-DU
Zach Smith – CWT
Caid Waldron

Members Absent

Deb Alpe
Mike Alpe
Ann Timberman
*James Carothers
Pete Conovitz
Paula Belcher
*Mike Honholz
*Sandy Knox
*Kay Meyring
Jeff Streeter-TU
Michael Wright
(* Voting members, total 13)

I. Agenda Review: The agenda was accepted with the clarifications that the WSRA application discussion will be pushed to after the NCNA report to accommodate ate arrival of the CWT.

II. Approval of NPBRT Minutes: Sept 21, 2010 Meetings

Ty Wattenberg moved to accept the minutes as written, Tom Hackleman seconded the motion and the minutes were approved unanimously with the correction that Carl Trick is a nonvoting member of NPBRT.

III. Carl Trick: Consumptive Use Committee – preliminary projections

Carl reported on the first Consumptive Use Committee meeting held 9/27. Members in attendance were Rick Wyatt, Barbara Vasquez, James Baller Jr., Carl Trick II and Kent Crowder. The Committee brainstormed consumptive uses that were important or possible for future development in the North Platte Basin. The Committee did not prioritize the list, nor assess feasibility; that will be left up to the RT. A very rough estimate of potential future consumptive use for each category was added.

-Total water available for new development:

Develop the allocation of irrigated acres in the NP Basin allowed by the Supreme Court Decree/Three States Agreement. Approx. 17,00 acres of new irrigation or 14,000 AF of water could be developed under the 'one bucket' concept formalized under the Three State Agreement.

-Storage:

Increase storage capacity within the basin for both consumptive and non-consumptive uses. This increase should be spread among the various sub-basins and equal the existing storage capacity in the basin as a whole. That's estimated to be approx. 30,000 AF of new storage.

-Energy & Mineral Development:

Water use for energy development (oil and gas) or sand & gravel operations. This would include drilling and completion (fracing) of wells as well as production of aggregate for building material. Est.: approx 300 AF/yr

-Renewable Energy Development:

Concentrated solar technology heats fluid to create steam to run a turbine for the generation of electricity. Biomass would use wood or crop material to generate electricity or fabricate bio-diesel. Est.: approx. 200 AF/yr

-Forest products:

Use of water for a chipboard plant or paper mill. Est.: approx 10,000 AF/yr.

-Fire fighting:

Use of water for fighting forest fires. Est.: approx. 1000 AF/yr

-Aquaculture:

Use of water for a fish hatchery or fish farm...either for raising fish as a food source or for recreation/sport fishing. Est.: approx. 500 AF/yr

-Greenhouse agriculture:

Use of water for raising crops in a greenhouse. Using the waste heat produced by a biomass generation plant provides a market for that thermal production. Est.: Approx 5000AF/yr

-Snowmaking:

Use of water to make snow for a ski area or for water storage in a high mountain basin. Est.: approx 5000 AF/yr.

-Golf course:

Use of water for establishing and maintaining a golf course. Est.: Approx. 100 AF/yr

-Water theme park

The diversion and use of water for a facility that might include a kayak course, waterslide or other structures for recreation. This could be a recreational in-channel diversion, but that requires a constant flow. Alternatively, it could be off-channel features where the water is continuously recycled. Est: approx. 100 AF/yr.

-Feedlot and/or slaughter house:

Est. approx. 50 AF/yr

-Water bottling plant/brewery/distillery:

Use of NP's high quality water or carbonated water for bottling and shipment to retail markets. Use of water for making beer or distilled spirits (whiskey, vodka, tequila, etc). Est.: Approx 50 AF/yr.

During presentation of this list, there were questions & discussion. The Supreme Court Decree allows irrigation of up to 145,000 acres. The three-state agreement allows up to 134,467. For the first 13 years of that agreement, the crop coefficient used to translate irrigated acres to water volume is 0.83 AF/acre. The results of the project underway in North

Park by the CSU Climate Center will include the calculation of the crop coefficient for our high mountain hay, which Kent suggested might be as high as 2.0. Regarding storage capacity, Carl asked whether the 30,000AF estimate was realistic. Kent asked Caid and Shanna if had an estimate for the maximum storage capacity in the Basin. Caid commented that some storage was inaccessible, and he didn't know the max capacity. Caid and Shanna will be looking into this. Regarding the estimates of future water use for various applications, Carl suggested that Hal might have some better numbers for both aquaculture and water bottling, since he's engaged in both activities elsewhere in the state. And he suggested that we might get better estimates on future use for oil and gas development from the energy developers working in our area. Finally, it was asked whether the RT members had any additional potential future uses to suggest, and whether they would like to prioritize them like we had for the non-consumptive uses. It was decided to allow members to review the list and discuss it at the next meeting in Nov.

IV. Barbara Vasquez- Results of NCN Attribute Prioritization

At the August meeting the full RT rated the 12 non-consumptive attributes defined for the North Platte Basin. The ratings were summarized for each attribute as both averages (total score divided by # raters) and median (midpoint in the ratings) and then ranked as follows:

- 1) Important stream fishing
- 2) Important lake fishing
- 3) Waterfowl hunting & wetland wildlife viewing
- 4) Waterfowl, shorebird & crane habitat
- 5) Amphibians
- 6) Rare plants & significant riparian/wetland plant communities
- 7) Whitewater rafting/ Flatwater boating
- 8) River Otter
- 9) Bald Eagle/Osprey
- 10) CWCB Min. Instream Flow/ Min Lake Levels
- 11) Class 1 (Nondegradation) Waters/ Wild & Scenic Eligible
- 12) Lake Chub

Barbara finalized the NCNA Phase II prioritization report with a page for each attribute, capturing the comments (positive and negative) that were made by the raters for each attribute. The RT had only one addition to the comments pages. Rick Wyatt wanted to capture private property trespass concerns for wildlife-related recreation. That correction has been made to the final NP NCNA Phase II Prioritization Report, which is distributed electronically with these minutes and will be available in hardcopy at the next meeting.

V. WSRA Applications

Three WSRA applications were delivered at this meeting. Two have already been sent out electronically as well.

- 1) Solicitation of stakeholder input through production of a North Platte Basin education package – CFWE/ Kristin Maharg
- 2) CoAgMet education for agricultural irrigators in the North Park area – CSU Climate Center

The third was delivered as hardcopy at this meeting.

- 3) Walden Reservoir Company Structure for Water Control – Carl Trick

A WSRA application was submitted last month by Colorado Water Trust and is the subject of

further discussion and possible vote at this meeting (see below).

North Platte Diversion Structure Assessment: Zach Smith, CWT & Corey Engen, Flywater

Zach Smith introduced the WSRA application from Colorado Water Trust which would benefit both consumptive and non-consumptive use in the North Platte Basin. The presentation material used to explain the application is attached with these minutes. The application focuses on the non-consumptive attribute that the RT has ranked the highest in our basin: stream fishing. Diversion structures often present physical barriers to fish movement, especially in low water conditions. The CWT, with the participation of Flywater, proposes to assess diversion structures in our basin (to which they're able to gain permission to access) to determine whether they present barriers for fish passage. They stated that the work would in no way impact water rights or impose any requirements on the irrigation operations. The CWT proposes this as a first phase of a multiphase project, in which they would help the owners of diversion structures suggested for repair/replacement to find grant money to support that structural work. CWT and Flywater have history doing this kind of work in other parts of the State. They described a similar project on the Mancos and emphasized that they took a very flexible approach, offering structural solutions that satisfied the water right owners concerns.

Corey Engen/Flywater took over and explained the approach that they're proposing for NP. The first step is 'data mining', pulling together existing information on location, ownership and history of diversion structures in our basin. They would then overlay information on fish populations and connectivity issues in rivers and streams of the basin, as available from CDOW. With that consolidated information, they would attempt to identify high priority reaches and list the subset of diversion structures in those reached. They would then start the work of approaching owners to discuss the project and request access to the diversion structures. The physical evaluation of the diversion structures would be quick and practical in nature. The results would be used to prioritize structures for upgrade or replacement. It was also pointed out that these upgrades, like the Old Pioneer Ditch diversion structure replacement funded through the NPBRT, engineered by Jeff Crane and completed in 2009, would provide additional benefits such as ease of operation and water efficiency to the irrigation users. CWT is requesting \$37,550 of basin funds for Phase 1 of this project.

There were a number of questions & concerns addressed to Corey by RT members. Carl Trick estimated that approx 90% of the diversion structures are on private land and often not on the land of the water rights owners. He asked who Corey would be approaching for permission. Corey said he understood that both the owner of the land on which the diversion structure was sited as well as the owner of the water rights associated with the diversion structure should be involved. Corey came back to a question posed by John Rich last month. What about those beaver dams...do they exclude fish? Corey responded that he'd been thinking about the question and had a yes/no answer. He's seen fish get through beaver dams. However, that may be a function of flow level, with higher flows allowing fish to get over or around dams. With increased irrigation diversion and lower flows, the beaver dams may pose a more significant barrier. Erin Light could not make the meeting but sent an email to Barbara and Kent expressing some concerns. She listed the data already compiled by her office (~50% of diversion structures GPS'ed, information on what structures have called the

river and when, etc) and wanted assurance that CWT was not going to try to ‘reinvent the wheel’. Corey was glad to hear that this data was available, reiterated that they had no intention of doing ground work for data that already existed, and emphasized that the first part of the project would be ‘data mining’ the State Engineers, DSS (CWCB), CDOW, etc.

Every comment made cannot be captured in the minutes, but they focused primarily on concerns about the public having access to a prioritized list of ‘problem’ structures and a map of those diversion structures in the basin. Nobody wants to be known as the guy whose diversion structures are the worst in the basin...holding up the movement of fish that are important to the sport fishing community. There were other concerns about the process of prioritization and the structural solutions where the water rights owner could call the river and sweep it dry. Corey replied that one of the fundamental starting points for the project was that it not interfere in any way with water rights or the ability of the water right owner to pull their allocation. He went on to explain that the physical solutions they would suggest in Phase II of this project would improve efficiency and ease of use for the irrigators while offering improvements to the fish passage.

There were also concerns about unintended consequences of the prioritization. That is, pointing out ‘problems’ could come back to bite the private property owners in the future. It was asked whether the information generated by the project could be kept local, to address those concerns. There was a lengthy discussion about requirements for a measuring device with each diversion structure. Shana and Caid were asked by Kent: If no measuring device or workable headgate exists, do the commissioners shut off the water to this WR holder so they can’t divert? The answer was mixed. It’s a requirement that water be shut off in these situations. However, there are many individual headgates on the Grizzly and Canadian that don’t have measuring devices. However, there’s a measuring device on the Mutual Ditch, which has a junior water right. In this case, the Water Commissioners do not shut off the water to those individual diversion structures without measuring devices.

Corey was asked what role he envisioned for the RT in the project. Carl Trick read from the proposal, where it indicated that RT feedback would be solicited at the draft stage. Corey said he would like to have local ‘fingerprints’ on the project and turned the question around to the RT. He’d be interested in having us involved as often and to such depth as we were willing and able.

Kent took a pole of voting RT members to determine whether they would be interested in considering a revised application next month that responded to some of the questions and concerns raised in this meeting. Although some were negative about funding a study as opposed to a physical structure project, sufficient number of members found merit in the project and would like to entertain a revised application. Corey and Zach indicated they were interested in coming back next month with such a revision. Kent asked for them to get the written version to the RT for distribution as soon as possible.

VI. IBCC Update: Carl Trick

Carl gave a short report on the progress made by the IBCC subcommittees working on IPPs, New Supply and Conservation. He indicated that the subcommittee report on IPPs (identified water processes and projects) had been essentially approved by the IBCC. These

subcommittee documents will be incorporated in the [December 2010](#) IBCC report to the Governor.

VII. Old Business

Deb Alpe, NPBRT Education Liaison:

Deb was not able to attend, but asked Kent to deliver the following information. There will be a statewide Roundtable Summit session entitled 'Learning from our success – an exploration of cross-basin and collaborative approaches addressing multi-use solutions in the state'. Deb would appreciate your input on what we'd like to know about other roundtables and what information they have to share about their own successes. She needs this feedback in advance of the next PEPO meeting, which will be held Nov.30 (1-3PM) before the IBCC meeting. The Summit will be held on March 3 in Denver. If you are interested in attending this RT Summit, the CWCB will pay for 3 RT members per basin, plus the 2 IBCC reps.

V. New Business:

Changes in representation were discussed and voted upon. Kent has stepped down as the legislatively appointed representative and will become the representative to the RT from the JCWCD. He will retain the Chairmanship position. In addition, because Sandy Knox has recently sold her ranch, Kent invited Scott Fischer to attend this meeting because he was recommended by JCWCD as a potential new NPBRT voting member to replace her. The RT voted unanimously to accept these changes in membership. Ty Wattenberg has been confirmed as the Legislative Representative and does not require confirmation by the RT. Finally, Kent commented that the RT has been in existence for almost 5 years and a review of membership is in order.

VI. Set Next Meeting: The next meeting will be held Tuesday, Nov. 23, 2010 (7-9PM, FS Conference Room).