

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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January 23 - 24, 2012 Board Meeting Agenda

A meeting of the CWCB will be held on Monday, January 23, 2012 commencing at 8:30 a.m. and continuing through Tuesday, January 24, 2012. It will be held at the Denver Tech Center Hyatt located at 7800 E Tufts Ave, Denver, CO 80237. A Board workshop with the Ute Mountain Ute and Southern Ute Tribes is also scheduled for the afternoon of January 23rd, 2012.

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

The CWCB posts notices 30 days in advance of each regularly scheduled meeting. Notices for special meetings are posted on the website typically 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 please 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. Any known changes to the agenda 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 website at www.cwcb.state.co.us.

The CWCB's meetings are made available through live audio streaming, although Board workshops are not. 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. Listeners must have a program on their computer or mobile device that handles streaming media (such as Windows Media Player, RealPlayer or similar) in order to hear the audio broadcast.

PowerPoint presentations are also being made available to the public. To watch presentations that accompany agenda items, click the "Watch Presentations" link on the CWCB website homepage. You will encounter a few dialogue 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.

The CWCB encourages citizens to express their views and provide feedback to the Board on the agenda items. This can be done by sending an email to Steve.Wolff@state.co.us, by sending a letter to a Board member or to the Chair of the Board, 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 Steve Wolff at 303-866-3441, Ext. 3242. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).

Monday, January 23, 2012

CWCB Call to Order 8:30 AM

- 1. Election of Officers (8:30—8:45)**
- 2. Review and Approval of Agenda (8:45 – 8:50)**
- 3. Review and Approval of Meeting Minutes – November 15- 16, 2011 Board Meeting (8:50 – 8:55)**
- 4. Approve and/or Remove Items from Consent Agenda (8:55 – 9:00)**
- 5. Future Board Meeting Dates – Informational item only. No action is required by the Board. The Board Coordinator will check available locations listed below and report back to the CWCB Director. (9:00 – 9:05)**

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|----------------------|------------------|
| a. March 20-21, 2012 | Denver |
| b. May 15-16, 2012 | Glenwood Springs |
| c. July 17-18, 2012 | Gunnison |

- 6. Directors' Reports (9:05 – 10:05)**
 - a. DNR Executive Director
 - b. IBCC Director
 - c. Agriculture Commissioner
 - d. CWCB Director
 - e. State Engineer
 - f. Division of Parks and Wildlife
 - g. Water Resource and Power Development Authority
- 7. Water Supply Planning Section - Water Infrastructure Supply Efficiency (WISE) Partnership (10:05 – 10:35) - An informational presentation will be given by Aurora Water, Denver Water, and the South Metro Water Supply Authority.**

BREAK 10:35 – 10:50

- 8. Attorney General's Report, Legal Briefing and Executive Session (10:50 – 11:00)**
– 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.
- 9. Executive Session (11:00 – 12:00)**
 - a. Case Nos. 10CW184 and 10CW185: Applications of the CWCB on Big Dominguez and Little Dominguez Creeks
 - b. Platte River Recovery Implementation Program legal issues
 - c. Colorado River issues
 - i. U.S. - Mexico negotiations
 - ii. Grand Canyon Trust litigation
 - iii. Quantified Settlement Agreement litigation
 - iv. Compact compliance litigation issues

LUNCH **12:00 – 1:00**

10. Report from Executive Session (1:00 – 1:05)

11. Watershed and Flood Protection Section - South Platte River Boat Chute Modification (1:05 – 1:20)

12. Watershed and Flood Protection Section -Weather Modification Rules and Regulations Update (1:20 – 1:45)

13. Watershed and Flood Protection Section -Alamosa Floodplain Mapping and Levee Update (1:40 – 1:55)

14. Watershed and Flood Protection Section -Coalition for the Upper South Platte Watershed Restoration Update (1:55 – 2:15)

15. Water Supply Planning Section - Report to the General Assembly Senate and House Ag Committees from the CWCB regarding 1051 Guidelines (2:15 – 2:30)

RECESS **2:30**

JOINT WORKSHOP - Ute Mountain Ute and Southern Ute Tribes (2:45 – 4:45) – This workshop will be conducted with tribal representatives and will focus on Animas-La Plata issues.

Tuesday, January 24, 2012

CWCB Call to Order **8:30 AM**

16. Basin Directors' Reports (8:30 – 9:30)

- 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*

17. Finance Section / Interstate, Federal, and Water Information Section – Animas-La Plata; State's Pool Allocation (9:30 – 10:00)

18. Interstate, Federal, and Water Information Section - Species Conservation Trust Fund (10:00 – 10:15) – The Board will be asked to approve the annual report and provide recommendations for 2012 projects.

BREAK **10:15 – 10:30**

**19. Interstate, Federal, and Water Information Section – Wild and Scenic Update
Including Presentation by the River Protection Workgroup (10:30 – 10:50)**

20. Water Supply Planning Section - WSRA Grants – Basin Applications (10:50 – 11:05)

- a. *New Application – Colorado Basin Roundtable Education Program*
- b. *Modified Application – Basin Roundtable Project Exploration Committee: Flaming Gorge (Additional Funds from the North Platte Basin)*
- c. *Change in Fiscal Agent – Ag Following Public Policy Working Group*
- d. *Change in Fiscal Agent -- The use of excess storage capacity in Blue Mesa Reservoir to avoid or reduce the impact of a Colorado River Compact curtailment in Colorado (Blue Mesa Study)*

21. Water Supply Planning Section – Alternative Agricultural Water Transfer Grant Request (11:05 – 11:10)

22. Water Supply Planning Section –Risk Management Discussion (11:10 – 12:10) – The staff will conduct a discussion with the Board about risk management.

LUNCH 12:10 – 1:00

23. Stream and Lake Protection Section – New Appropriation Recommendations in Water Division 3 (1:00 – 1:30) – Staff will ask the Board to declare its intent to appropriate the following four instream flow water right recommendations.

Division	Stream Name	County	Recommender
3	Brewery Creek <i>(USFS Boundary to Confl. Kerber Creek)</i>	Saguache	Bureau of Land Management
	Elkhorn Gulch <i>(Headwaters to Confl. Kerber Creek)</i>		
	Kerber Creek <i>(Confl. Elkhorn Gulch to Confl. Brewery Creek)</i>		
	Kerber Creek <i>(Confl. Brewery Creek to Wells Kerber Ditch Headgate)</i>		

24. Finance Section – Design & Construction Status Report (1:30 – 2:00)

25. Finance Section – Cash Balance Report (2:00 – 2:10)

26. Finance Section – Construction Fund - New Loan (2:10 -2:25)

- a. *Town of La Veta - North Lake Dam Rehabilitation Project*

27. Finance Section – Construction Fund – Change to Existing Loan (2:25 – 2:40)

- a. *The Jackson Ditch Company – Check Dam Rehabilitation Project*

28. Finance Section – Projects Bill (2:40 – 3:10)

BREAK 3:10 – 3:25

29. Finance Section – Denver Museum of Natural History, Ziegler Reservoir Mammoth Bone Find (3:25 – 4:10)

30. CWCB History - Bill McDonald and Tom Cech (4:10 – 4:40)

31. Declaration of 2012 as the Year of Water (4:40 – 4:55)

ADJOURN 4:55

CWCB Consent Agenda

January 23 - 24, 2011

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. Watershed and Flood Protection Section - Floodplain Designations

- a. *“Flood Hazard Area Delineation, First Creek - Upstream of Buckley Road”, dated October 2011*
- b. *“Flood Hazard Area Delineation, Second Creek - Upstream of Denver International Airport”, dated May 2011*

2. Stream and Lake Protection Section - Statements of Opposition -- The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following cases:

- a. *Case No. 1-11CW207: Application of Doug and Scott Brauer*
- b. *Case No. 2-11CW071: Application of Jack Gaffney*
- c. *Case No. 5-11CW117: Application of GRE II, LP*

3. Finance Section - Severance Tax Trust Fund Perpetual Base Account – Change to Existing Loan

- a. *Deuel and Snyder Improvement Company – River Sand Gate Structure Project*