

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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January 24-26, 2011 Board Meeting Agenda

A workshop for members of the Colorado Water Conservation Board (CWCB) will be held on Monday, January 24, 2011. This workshop will be held at the Hilton Garden Inn, Denver Tech Center, located at 7675 E. Union Ave., Denver, CO 80237, commencing at 1:00 p.m.

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

A meeting of the CWCB will be held on Tuesday January 25, 2011, commencing at 8:00 a.m. and continuing through Wednesday, January 26, 2011. This meeting will be held at the Hilton Garden Inn, Denver Tech Center, located at 7675 E. Union Ave., Denver, CO 80237

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, 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 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 brent.newman@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 Brent Newman at 303-866-3441, Ext. 3222. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).

Monday, January 24, 2011

CWCB Workshop – SWSI 2010 (1:00 PM)

Tuesday, January 25, 2011

CWCB Call to Order 8:00 AM

- 1. Review and Approval of Agenda (8:00 – 8:05)**
- 2. Review and Approval of Meeting Minutes – November 15-17, 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 – 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.* (8:15 – 8:20)**
 - a. March 15-16, 2011** Denver
 - b. May 17-18, 2011** Durango
 - c. July 12-13, 2011** Possibly Walden area/Gunnison (in conjunction with Gunnison Water Workshop)
 - d. September 13-14, 2011** Grand Junction (Ute Water Conservancy District's Headquarters Office)
 - e. November 15-16, 2011** Denver (possibly NCWCD office in Berthoud)
- 5. Directors' Reports (8:20 – 9:00)**
 - 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. Watershed and Flood Protection Section – Map Modernization / Risk Map Program Update – *Informational item only. No action is required by the Board.* (9:00 – 9:20)**
- 7. Watershed and Flood Protection Section – South Platte River Easement Request (9:20 – 9:35)**
- 8. Finance Section – Financial Matters – Construction Fund and Severance Tax Perpetual Base Account – Projections and Cash Balance Report (9:35 – 9:50)**
- 9. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – New Loans (9:50 – 10:10)**
 - a.** Snowmass Water and Sanitation District – Ziegler Reservoir Expansion Project
- BREAK 10:10– 10:25**
- 10. Finance Section – Prequalification Project List Update (10:25 – 10:35)**
 - a.** Thunderbird Water and Sanitation District – Lambert Ranch Water Rights
- 11. Finance Section – Design and Construction Status Report (10:35 – 11:20)**

12. Water Supply Planning Section – WSRA Grant Applications (11:20 – 12:00)

- a. Purgatoire River Water Conservancy District – Trinidad/Purgatoire River Reach 4 Demonstration Project
- b. Colorado Foundation for Water Education – Educating Denver Metro elected officials and decision makers on solutions-oriented water supply planning
- c. Walden Reservoir Company – Structure for Water Control
- d. Colorado Foundation for Water Education – North Platte Basin Education Package
- e. Manassa Land and Irrigation Company – Conejos North Branch Water Conservation and Management
- f. The Colorado Rio Grande Restoration Foundation and McDonald Ditch Company – The McDonald Ditch and Plaza Project – Phase I

LUNCH 12:00 – 1:00**13. Water Supply Planning Section – Alternative Agricultural Transfer Grant Requests (1:00 – 2:15)****14. Water Information Section – Colorado River Water Availability Study – Update (2:15 – 2:45)****BREAK 2:45 – 3:00**
15. Stream and Lake Protection Section – New Appropriation Recommendations in Water Divisions 2, 4, and 5 - Staff will ask the Board to declare its intent to appropriate the following 8 instream flow water right recommendations. (3:00 – 4:30)

Division	Stream Segment	County(ies)	Recommender(s)*
2	Chaparral Creek <i>(headwaters to USFS Boundary)</i>	Huerfano	CDOW
2	Dodgeton Creek <i>(headwaters to USFS Boundary)</i>	Huerfano	CDOW
4	North Fork Tabeguache Creek <i>(headwaters to confl Tabeguache Creek)</i>	Montrose	USFS
4	Tabeguache Creek <i>(confl NFK Tabeguache Creek to confl Forty-Seven Creek)</i>	Montrose	USFS
4	Red Canyon Creek <i>(confl Big A Creek to confl Horsefly Creek)</i>	Montrose	USFS
4	San Miguel River <i>(confl Calamity Draw to confl Dolores River)</i>	Montrose	CDOW & BLM
5	Little Green Creek <i>(headwaters to confl Muddy Creek)</i>	Grand, Routt	Trout Unlimited
5	Unnamed tributary to Muddy Creek <i>(headwaters to confl Muddy Creek)</i>	Grand, Routt	Trout Unlimited

*CDOW (Colorado Division of Wildlife), BLM (Bureau of Land Management) and USFS (United States Forest Service)

16. Legislative Session 2011 Update (4:30 – 5:00)

- a. **Finance Section** – 2011 Construction Fund Projects Bill
- b. **Finance Section** – 2010 Small Project Loan Report

- c. **Watershed and Flood Protection Section** - Healthy Rivers Fund Reauthorization
- d. **Watershed and Flood Protection Section** – Weather Modification Sunset Review

RECESS 5:00 PM

Wednesday, January 26, 2011

CWCB Call to Order 8:00 AM

17. 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

18. Interstate & Federal Section / Stream and Lake Protection Section – Wild and Scenic Rivers Update – *The Staff will provide the Board with updates on the status of the various Wild and Scenic Rivers alternative stakeholder groups' processes.* (9:00 – 9:30)

19. Interstate & Federal Section – Litigation Account Draft Report - *The Staff will request that the Board authorize the Staff to submit its Annual Report to the General Assembly.* (9:30 – 9:45)

20. Interstate and Federal Section – National Register of Historic Places Multiple Property Documentation Form: "Irrigation and Water Supply Ditches and Canals in Colorado, 1787 to 1960" - *The Staff will seek the Board's input on this request for comments by the Colorado Historic Preservation Review Board.* (9:45 – 10:00)

BREAK 10:00 – 10:15

21. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 2-09CW073; Application of Donala Water & Sanitation District. – *Pursuant to ISF Rule 8j. the CWCB staff will seek authorization to proceed to trial in this application for change of water rights and approval of a conditional right of exchange.* (10:15 – 10:25)

22. Stream and Lake Protection Section — Authorization to Proceed to Trial in Consolidated Case Nos. 5-07CW055 and 5-07CW054 into Case No. 5-07CW176: Applications of Roaring Fork Club, L.P. consolidated with St Jude's Co. and Reno Cerise v. Roaring Fork Club, L.L.C. – *Pursuant to ISF Rule 8j., the CWCB staff will seek authorization to proceed to trial in these applications for water rights and a plan of augmentation including exchange.* (10:25 – 10:35)

23. 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.* (10:35 – 10:45)

24. Executive Session Items (10:45 – 12:00)

- a. Instream flow appropriations in Jackson County – North Fork North Platte River

- b. Case No. 2-09CW073: Application of Donala Water & Sanitation District
- c. Consolidated Case Nos. 5-07CW055 and 5-07CW054 into Case No. 5-07CW176: Applications of Roaring Fork Club, L.P. consolidated with St Jude's Co. and Reno Cerise v. Roaring Fork Club, L.L.C.
- d. Legal questions on several Colorado River issues
- e. RICD Case No. 10CW298: Application for Water Rights of the Board of Commissioners for the County of Grand, Colorado
- f. RICD Case No. 10CW305: Application for Water Rights of the Board of Commissioners for the County of Pitkin, Colorado

LUNCH 12:00 – 1:00

25. Report from Executive Session (1:00 – 1:15)

26. Watershed and Flood Protection Section / Interstate & Federal Section – Fish and Wildlife Mitigation Statute: Draft Policy – *Informational item seeking Board guidance.* (1:15 – 1:50)

27. Finance Section / Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation – Update (1:50 – 2:05)

28. Interstate & Federal Section – Species Conservation Trust Fund Recommendations - *The Board will be asked to make recommendations to the Executive Director of DNR for expenditures from the SCTF for the coming year.* (2:05 – 2:25)

29. Interstate & Federal Section – Colorado River Basin Study Update - *The Staff will update the Board on the current status of this work, and seek the Board's input as this study proceeds to the next phase.* (2:25 – 2:55)

BREAK 2:55 – 3:15

30. Stream and Lake Protection Section — City of Aspen Draft Federal Energy Regulatory Commission Application for Castle Creek Hydroelectric Project – *Staff will seek the Board's input on draft comments for submission to the City regarding its draft FERC application.* (3:15 – 3:45)

31. Water Supply Planning Section – SWSI 2010 (3:45 – 4:45)

ADJOURN 5:00

CWCB Consent Agenda
January 24-26, 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. 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 case:*
 - a. Case No. 5-10CW222; Application of Michael Bair
- 2. Finance Section - Construction Fund and Severance Tax Trust Perpetual Base Account – Grant De-authorization.**
 - a. South Platte Lower River Group, Inc. - Pilot Demonstration Project Grant
- 3. Finance Section - Construction Fund and Severance Tax Trust Perpetual Base Account – Change to Existing Loan.**
 - a. WRCC, Inc. – Cobb Lake Inlet Structure Project
- 4. Water Supply Planning Section – Approval of Change of Scope of Work – Lake San Cristobal**
- 5. Interstate and Federal Section** -- *The Board will be asked to support Statements of Opposition that will be filed by staff to comport with the Board's statutory obligations in the following Recreational In-Channel Diversion (RICD) cases:*
 - a. Case No. 10CW298: Application for Water Rights of the Board of Commissioners for the County of Grand, Colorado
 - b. Case No. 10CW305: Application for Water Rights of the Board of Commissioners for the County of Pitkin, Colorado