

# 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](http://www.cwcb.state.co.us)



### March 15-16, 2011 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, March 15, 2011, commencing at 10:00 a.m. and continuing through Wednesday, March 16, 2011. Prior to the Board Meeting, a Strategic Planning Workshop will be held from 8:00 – 9:45 on Tuesday, March 15, 2011. These meetings will be held at the offices of the Colorado Water Resources and Power Development Authority, located at 1580 Logan St, Ste. 620, Denver, CO 80203.

---

John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

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](http://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 [Steve.Wolff@state.co.us](mailto:Steve.Wolff@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 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).

**Tuesday, March 15, 2011**

**Strategic Planning Workshop (8:00 AM – 9:45 AM)**

**BREAK 9:45 – 10:00**

**CWCB Call to Order 10:00 AM**

- 1. Election of Officers (10:00 – 10:15)**
- 2. Review and Approval of Agenda (10:15 – 10:20)**
- 3. Review and Approval of Meeting Minutes – January 24-26, 2011 Board Meeting (10:20 – 10:25)**
- 4. Approve and/or Remove Items from Consent Agenda (10:25 – 10:30)**
- 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.* (10:30 – 10:35)**
  - a. May 16-18, 2011 Durango (ALP tour prior to the board meeting)
  - b. July 12-13, 2011 Walden
  - c. September 13-14, 2011 Grand Junction (Ute Water Conservancy District's Headquarters Office)
  - d. November 15-16, 2011 Denver (possibly NCWCD office in Berthoud)
- 6. Directors' Reports (10:35 – 11:15)**
  - 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
- 7. Legislative Update (11:15 -11:30)**
- 8. Water Supply Planning Section - Discussion of Board Policy Establishing Limits to Grant Project Administration Fees (11:30 – 12:00)**

**LUNCH 12:00 – 1:00**

- 9. Office of Water Conservation and Drought Planning /Watershed & Flood Protection Section- Spring Drought and Flood Outlook (1:00 – 1:45)**

**10. Water Supply Planning Section – WSRA Grant Applications to the Statewide Fund (1:45– 3:15)**

- a. Southeastern Colorado Water Conservancy District - The use of excess storage capacity in Blue Mesa Reservoir to avoid or reduce the impact of a Colorado River Compact curtailment in Colorado
- b. Arkansas Headwaters Recreation Area - Helena Diversion Structure/BV Boat Chute Improvement Project
- c. Colorado Foundation for Water Education - Raising Awareness in 2012: A Statewide Celebration of Colorado Water
- d. Lower Arkansas Valley Water Conservancy District - Super Ditch Delivery Engineering
- e. Rio Grande Headwaters Land Trust - Rio Grande Initiative: North Rio Grande Ranch Conservation Easement
- f. Colorado Division of Water Resources - Alluvial Aquifer Accretion/Depletion Analysis Tool
- g. La Plata Water Conservancy District - La Plata River Water Resources Operations Model
- h. Lake Durango Water Authority - Source Water Infrastructure Project
- i. Town of Rico - Town of Rico Alluvium Pipeline Water Supply Project - Well Drilling and Water Quality Testing
- j. The Upper Walker Ditch Company - Yampa River/Walker Ditch River Restoration Project
- k. Moffat County Natural Resources Department - Yampa-White Basin Projects and Methods Analysis

**BREAK                      3:15 – 3:30**

**11. Water Information Section - CWCB WebLink and CSU Water Resources Archive (3:30 – 4:00)**

**12. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 6-07CW119; Application of Morrison Creek South Metro Water and Sanitation District – Pursuant to ISF Rule 8j. the CWCB staff will seek authorization to proceed to trial in this application for change of underground water rights. (4:00 – 4:05)**

**13. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 2-08CW106; Application of Upper Arkansas Water Conservancy District – Pursuant to ISF Rule 8j., the CWCB staff will seek authorization to proceed to trial in this application for a plan of augmentation including exchange. (4:05 – 4:10)**

**14. 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. (4:10 – 4:20)**

**15. Executive Session (4:20 – 5:20)**

- a. Case No. 2-09CW073; Application of Donala Water and Sanitation District
- b. Case No. 6-07CW119; Application of Morrison Creek South Metro Water and Sanitation District
- c. Case No. 2-08CW106; Application of Upper Arkansas Water Conservancy District
- d. Instream Flow Appropriations in Jackson County - North Fork North Platte River
- e. Legal questions regarding Colorado River negotiations
- f. RICD Case No. 10CW298: Application for Water Rights of the Board of Commissioners for the County of Grand, Colorado
- g. RICD Case No. 10CW305: Application for Water Rights of the Board of Commissioners for the County of Pitkin, Colorado

**16. Report from Executive Session (5:20 – 5:25)****RECESS 5:25 PM****Wednesday, March 16, 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. Stream and Lake Protection Section – 2011 New Instream Flow Appropriations –**

The Board will take public comment on the following 8 ISF appropriations pursuant to ISF Rule 5c. The Board declared its intent to appropriate at its January 18, 2011 meeting. **(9:00 – 9:10)**

<b>Division</b>	<b>Stream Segment</b>	<b>County(ies)</b>	<b>Recommender(s)*</b>
2	<b>Chaparral Creek</b> <i>(headwaters to USFS Boundary)</i>	Huerfano	CDOW
2	<b>Dodgeton Creek</b> <i>(headwaters to USFS Boundary)</i>	Huerfano	CDOW
4	<b>North Fork Tabeguache Creek</b> <i>(headwaters to confl Tabeguache Creek)</i>	Montrose	USFS
4	<b>Tabeguache Creek</b> <i>(confl NFK Tabeguache Creek to confl Forty-Seven Creek )</i>	Montrose	USFS

4	<b>Red Canyon Creek</b> <i>(confl Big A Creek to confl Horsefly Creek)</i>	Montrose	USFS
4	<b>San Miguel River</b> <i>(confl Calamity Draw to confl Dolores River)</i>	Montrose	CDOW & BLM
5	<b>Little Green Creek</b> <i>(headwaters to confl Muddy Creek)</i>	Grand, Routt	Trout Unlimited
5	<b>Unnamed tributary to Muddy Creek</b> <i>(headwaters to confl Muddy Creek)</i>	Grand, Routt	Trout Unlimited

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

#### 19. Stream and Lake Protection Section – 2011 Instream Flow Appropriation

**Recommendations** – Pursuant to ISF Rule 5c., the Staff is providing notice that the following 29 stream segments are being considered for instream flow appropriations in 2012. Staff will provide a summary of the February 16, 2011 ISF Workshop, at which it received these recommendations. At the January 2012 CWCB meeting, staff may request that the Board form its intent to appropriate ISF water rights on these streams. (9:10 – 9:30)

Div	Name	County	Recommender(s)
1	<b>Forrester Creek</b> <i>Headwaters to Forrester Creek Ditch Headgate</i>	Larimer	BLM
1	<b>Grace Creek</b> <i>Confl. NF &amp; SF Grace Creek to Grace Creek Ditch Headgate</i>	Larimer	BLM
1	<b>Stuck Creek</b> <i>Headwaters to Warren Ditch Headgate (increase)</i>	Larimer	BLM
1	<b>Pole Creek</b> <i>Headwaters to Confl. Johnson Creek (increase)</i>	Larimer	BLM
1	<b>Fish Creek</b> <i>Confl. Unnamed Tributary to Confl. Johnson Creek (increase)</i>	Larimer	BLM
1	<b>Johnson Creek</b> <i>Confl. Unnamed Tributary to Confl. Fish Creek</i>	Larimer	BLM
1	<b>Johnson Creek</b> <i>Confl. Fish Creek to Confl. Pole Creek</i>	Larimer	BLM
1	<b>Johnson Creek</b> <i>Confl. Pole Creek to Colorado-Wyoming border (increase)</i>	Larimer	BLM
2	<b>Apishapa River</b> <i>Headwaters to confl. Herick Canyon Creek</i>	Las Animas	CDOW

2	<b>West Beaver Creek</b> <i>Confl. Douglas Gulch to Confl. East &amp; West Beaver Creeks</i>	Fremont, Teller	CDOW
2	<b>Beaver Creek</b> <i>Confl. East &amp; West Beaver Creeks to Confl. Patton Canyon</i>	Fremont	CDOW
3	<b>Kerber Creek</b> <i>Confl. Elkhorn Gulch to Confl. Brewery Creek</i>	Saguache	BLM
3	<b>Kerber Creek</b> <i>Confl. Brewery Creek to Wells Kerber Ditch Headgate</i>	Saguache	BLM
3	<b>Brewery Creek</b> <i>USFS Boundary to Confl. Kerber Creek</i>	Saguache	BLM
3	<b>Elkhorn Gulch</b> <i>Headwaters to Confl. Kerber Creek</i>	Saguache	BLM
4	<b>Ute Creek</b> <i>Headwaters to Confl. West Creek</i>	Mesa	BLM
5	<b>Beaver Creek</b> <i>Headwaters to Rifle Town Intake</i>	Mesa	CDOW
5	<b>Beaver Dams Creek</b> <i>Headwaters to Confl. East Divide Creek</i>	Mesa	CDOW
5	<b>East Divide Creek #1</b> <i>Confl. Gennings Creek to Confl. Camp Creek</i>	Mesa & Garfield	CDOW
5	<b>East Divide Creek #2</b> <i>Confl. Camp Creek to Confl. June Creek</i>	Garfield	CDOW
5	<b>West Divide Creek</b> <i>Confl. Little Beaver Creek to Confl. Mosquito Creek</i>	Mesa	CDOW
5	<b>Meadow Creek</b> <i>Outlet Meadow Creek Reservoir to Confl. Main Elk Creek</i>	Garfield	CDOW
5	<b>Colorado River</b> <i>Confl. Blue River to Confl. Piney River</i>	Grand, Eagle	CDOW & Stakeholder group
5	<b>Colorado River</b> <i>Confl. Piney River to Confl. Eagle River</i>	Eagle	CDOW & Stakeholders group
6	<b>Piceance Creek</b> <i>Confl. Dry Fork to Confl. White River</i>	Rio Blanco	BLM & CDOW
6	<b>Yellow Creek</b> <i>Springs in Sec. 12, T1N, R98W 6th PM to Confl. White River</i>	Rio Blanco	BLM & CDOW
6	<b>North Fork North Platte River</b> <i>Headwaters to Little Nellie Ditch Headgate</i>	Jackson	BLM
6	<b>Wheeler Creek</b> <i>Headwaters to Confl. SF Big Creek</i>	Jackson	BLM
6	<b>South Fork Big Creek</b> <i>Confl. Wheeler Creek to Colorado-Wyoming border</i>	Jackson	BLM

**20. Interstate and Federal Section – Presentation by History Colorado on its National Register of Historic Places Multiple Property Documentation Form (MPDF): “Irrigation, Water Supply Ditches and Canals in Colorado, 1787 to 1960” – History Colorado will provide a presentation and conduct a question and answer period on its MPDF. Following the question and answer period, Staff will seek the Board’s input on History Colorado’s request for comments on the MPDF. (9:30 – 10:30)**

**BREAK                      10:30 – 10:45**

**21. Interstate and Federal Section - Wild and Scenic - The Staff will update the Board on the various Wild and Scenic processes occurring across the State, and the Staff will seek the Board’s approval of the Upper Colorado River Wild and Scenic Management Plan Alternative. (10:45 – 11:15)**

**22. Watershed & Flood Protection - Fish and Wildlife Mitigation Policy Update (11:15 – 11:45)**

**23. Watershed & Flood Protection - Chatfield Reservoir Reallocation Update (11:45 – 12:00)**

**LUNCH                      12:00 – 1:00**

**24. Water Information Section - Irrigated Lands: Western Colorado Past and Present (1:00 – 1:20)**

**25. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – New Loans. (1:20 – 1:30)**

a. Trinchera Irrigation Company – Garland #2 Canal Repair

**26. Finance Section – Financial Matters – Construction Fund and Severance Tax Perpetual Base Account – Projections and Cash Balance Report (1:30 – 1:40)**

**27. Finance Section – Prequalification Project List Update (1:40 – 2:00)**

- a. Crystal Lakes Water and Sewer Association – Lone Pine Reservoir Enlargement
- b. Big Thompson and Platte river ditch Company and Beeline Ditch Company – Ditch Rehabilitation
- c. Town of Georgetown – Georgetown Lake Dam Outlet Works Modification Project

**28. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State’s Pool Allocation – Update (2:00 – 2:15)**

**ADJOURN                      2:15**

**29. Colorado Environmental Coalition Workshop (2:30 – 4:30)**

**CWCB Consent Agenda**  
**March 15-16, 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 & Flood Protection - Floodplain Designation, Flood Hazard Area Delineation, Willow Creek, 2010**
- 2. Finance Section - Construction Fund and Severance Tax Trust Perpetual Base Account – Change to Existing Loan**
  - a. Farmers Pawnee Irrigation Company – Diversion Structure Rehabilitation
- 3. 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. 4-09CW141; Simmons Mountain Ranch, LLC
  - b. Case No. 4-10CW154; Beeman B. Casto
  - c. Case No. 5-10CW282; Ken & Sally Vagneur
  - d. Case No. 5-10CW286; Theodore & Shannon Skokos
  - e. Case No. 1-10CW309; City of Black Hawk
  - f. Case No. 1-10CW304; South Adams County Water & Sanitation Dist.
  - g. Case No. 2-10CW087; Town of Palmer Lake
  - h. Case No. 4-10CW170; Aldasoro Ranch Homeowners Co.
  - i. Case No. 4-10CW192; San Miguel Valley Corp, Alley Oop Holdings & Aldasoro Homeowners Co.
  - j. Case No. 4-10CW194; Montrose County, Town of Nucla & Town of Naturita
  - k. Case No. 4-10CW202; Norwood Water Commission
  - l. Case No. 4-10CW206; TSG Ski & Golf LLC and Town of Mountain Village
  - m. Case No. 4-10CW207; John S. Hendricks & Western Sky Investments
  - n. Case No. 5-10CW308; SCC Partners, LLC
  - o. Case No. 6-10CW068; Needmore Ranch II



- p. Case No. 6-10CW069; Chico Needmore Ranch
- q. Case No. 6-10CW076; JG Amato Co.

**4. Interstate and Federal -** *The Board will be asked to ratify a Statement of Opposition that was filed by staff to protect Colorado's ability to promote maximum utilization of the waters of the State in the following Recreational In-Channel Diversion (RICD) case:*

- a. Case No. 1-10CW299: Application for Finding of Reasonable Diligence by the City of Longmont

**5. Water Supply Planning Section – WSRA Grant Applications for Basin Account Funds**

- a. Mesa Conservation District - Small Acreage Irrigation Audit Program – Grand Valley
- b. Grand Mesa Water Conservancy District, Water Enterprise Fund - The Rehabilitation of Blanche Park Reservoir
- c. Valley View Irrigation Association - Valley View Irrigation Improvement Project
- d. Montezuma Valley Irrigation Company - Groundhog Reservoir Bathymetric Survey