

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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July 12-13, 2011 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, July, 12, 2011 commencing at 8:00 a.m. and continuing through Wednesday, July 13, 2011. These meetings will be held the Antlers Inn, located at 460 Main Street, Walden, CO 80480. A reception sponsored by the Jackson County Water Conservancy District will be held at the Antlers Inn following the first day of the board meeting.

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 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 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, July 12, 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 – May 17-18, 2011 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. *September 13-14, 2011 Grand Junction (Ute Water Conservancy District's Headquarters Office) Joint Workshop w IBCC 9/12/11*
 - b. *November 15-16, 2011 Denver (NCWCD office in Berthoud)*
 - c. *January 23-24, 2012 Denver (in conjunction with the CWC 1/25-27/12) (Note date changed)*
- 5. Directors' Reports (8:20 – 9:20)**
 - 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*

BREAK 9:20 – 9:35

- 6. Interstate & Federal Section – Public Deliberation on the Board of Commissioners for the County of Pitkin's Recreational In-Channel Diversion (RICD) Application in Case No. 5-10CW305 - *Pursuant to the Board's RICD Rules, the Board will publicly deliberate and issue findings on the subject RICD application. (9:35 – 12:35)***

LUNCH 12:35 – 1:15

- 7. Interstate & Federal Section – Platte River Recovery Implementation Program Update (1:15 – 1:25)**
- 8. Office of Water Conservation and Drought Planning – Revisions to the Guidelines for the Office to Review and Evaluate Drought Mitigation Plans (1:25 – 1:40)**
- 9. Office of Water Conservation and Drought Planning – Current Drought Status and Update on State Drought Plan Activation (1:40 – 1:55)**

10. Stream and Lake Protection Section – Injury with Mitigation – Case No. 5-07CW074:

Application of John and Charlene Simcox - Pursuant to ISF Rule 8i (3), the Board will be asked to (1) determine that the natural environment of Crooked Creek could be preserved to a reasonable degree with the proposed injury if the applicant provides the proposed mitigation and (2) to approve the proposed pre-trial resolution of this injury with mitigation. This is the second of two required meetings for the Board to approve an Injury with Mitigation proposal. (1:55 – 2:15)

11. Water Information Section - Arkansas River DSS - Proposed Implementation from the Feasibility Study (2:15 – 2:45)

BREAK 2:45 – 3:00

12. Agenda Item Deleted

13. Denver/West Slope Negotiations (3:00 – 3:30)

14. Stream and Lake Protection Section – New Instream Flow Appropriation

Recommendations in Water Division 5 - Staff will ask the Board to declare its intent to appropriate the following three instream flow recommendations. (3:30 – 5:00)

Stream	County	Length (miles)	Upper Terminus / Lower Terminus	Amount	Entity
Colorado River	Eagle / Grand	23.7	Confl. Blue River	500 (9/16 – 5/14)	Upper Colorado Wild and Scenic Stakeholders Group
			Confl. Piney River	600 (5/15 – 7/31) 750 (8/1 – 9/15)	
Colorado River	Eagle	20.8	Confl. Piney River	525 (9/16 – 5/14)	
			Confl. Cabin Creek	650 (5/15 – 7/31) 800 (8/1 – 9/15)	
Colorado River	Eagle	25	Confl. Cabin Creek	650 (9/16 – 5/14)	
			A point immediately upstream of the confl. with the Eagle River	900 (5/15 – 6/15) 800 (6/16 – 9/15)	

RECESS 5:00 PM

Wednesday, July 13, 2011

CWCB Call to Order 8:00 AM

15. 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*

16. Watershed & Flood Protection Section - Floodplain Designations (9:00 -9:30)

17. Watershed & Flood Protection Section - Alamosa Levee Update (9:30 – 9:45)

BREAK 9:45 – 10:00

18. Watershed & Flood Protection Section - Fish and Wildlife Mitigation Plans (10:00 - 10:45)

- a. Windy Gap Firing Project*
- b. Moffat Collection System Project*

19. Watershed & Flood Protection Section - 2011 Runoff Season Recap (10:45 – 11:00)

20. Finance Section – Financial Matters (11:00 – 11:30)

- a. Projections and Cash Balance Report for the Construction Fund and Severance Tax Perpetual Base Account.*
- b. New Loan Lending Rate Categories – Financial Policy No. 7 Revisions*

21. Finance Section Prequalification Project List Update (11:30 – 11:45)

- a. Tri-County Water Conservancy District – Ridgway Hydropower Project*
- b. Paradise Acres Homeowners Association – Pipeline Project*
- c. Missouri Heights Mountain Meadow Irrigation Company – Ditch Lining Project*

22. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – Changes to Existing Loans. (11:45 – 11:55)

- a. Sanchez Ditch and Reservoir Company – Loan Payment Deferral Request*

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. (11:55 – 12:05)*

LUNCH 12:05 – 1:00

24. Executive Session (1:00 – 1:45)

- a. Intrastate and Federal Section- Colorado River Compact Issues
- b. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation – Update
- c. Case No. 4-03CW108; Application of Upper Gunnison Water Conservancy District

25. Report from Executive Session (1:45 – 1:50)

26. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – New Loans. (1:50 – 2:50)

- a. Last Chance Ditch Company - Ditch Headworks Replacement Project.
- b. Fisher Ditch Company – Ditch Infrastructure Improvement Project
- c. Thunderbird Water and Sanitation District – Lambert Ranch Water Rights Purchase
- d. Town of Georgetown – Outlet Works Modification Project

27. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – Changes to Existing Loan. (2:50 - 3:05)

- a. Orphan Wells of Wiggins – Construction Interest Forgiveness

Break (3:05 – 3:20)

28. Water Supply Planning Section -- Alternative Ag Transfer Grant – Use of ATMs to meet nonconsumptive and consumptive needs in the Yampa Basin (3:20 – 3:35)

29. WSRA – Basin Requests (3:35 – 3:50)

- a. Rotating Agricultural Fallowing Public Policy Working Group
- b. Pagosa Lakes Area Village Lake Dam Outlet Pipe Repair Project

30. Water Supply Planning Section -- Request for change of fiscal agent -- 75 Ditch (Gunnison Basin WSRA grant) (3:50 – 4:00)

31. Portfolio Tool and Development (4:00 – 5:00)

ADJOURN 5:00 PM

CWCB Consent Agenda
July 12-13, 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 cases:*
 - a. Case No. 5-11CW056: Application of Midland Holdings, LLC*
 - b. Case No. 5-11CW057: Application of Midland Holdings, LLC*