

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



September 13 - 14, 2011 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, September, 13, 2011 commencing at 10:00 a.m. and continuing through Wednesday, September 14, 2011. These meetings will be held the Ute Water Conservancy District offices, located at 2190 H ¼ Road, Grand Junction, CO 81505. A BBQ reception sponsored by the City of Grand Junction, Clifton Water District, and Ute Water Conservancy District has will be held on the evening of Monday, September 12th. A finance committee workshop will also be held the morning of September 13th from 8:00 am – 9:45 am.

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, September 13, 2011

Finance Committee (8:00 – 9:45)

1. *Construction Fund Growth Rate – Policy 13*
2. *Construction Fund Non Reimbursable Grant Applications*

CWCB Call to Order 10:00 AM

1. Review and Approval of Agenda (10:00 – 10:05)

2. Review and Approval of Meeting Minutes – July 12-13, 2011 Board Meeting (10:05 – 10:10)

3. Approve and/or Remove Items from Consent Agenda (10:10 – 10:15)

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. (10:15 – 10:20)

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|--------------------------------|--|
| a. <i>November 15-16, 2011</i> | <i>Berthoud (NCWCD office)</i> |
| b. <i>January 23-24, 2012</i> | <i>Denver (in conjunction with the CWC 1/25-27/12)</i> |
| c. <i>March 20-21, 2012</i> | <i>Denver</i> |
| d. <i>May 15-16, 2012</i> | <i>Glenwood Springs</i> |
| e. <i>July 17-18, 2012</i> | <i>Gunnison</i> |

5. Water Supply Planning Section – WSRA Grant Applications (10:20– 12:20)

Basin Fund Requests

- a. *Painted Sky Development and Resource Council - Hartland Dam Improvements*
- b. *Jackson County Water Conservancy District - Structures for Water Control: Headgates and Diversion*
- c. *Lake Durango Water Authority - Source Water Infrastructure Project*
- d. *The Friends of the Yampa - Yampa River Structures Project*

Statewide Fund Requests

- e. *The Greenway Foundation - South Platte River Recreation and Habitat Improvement Preliminary Design*
- f. *The Colorado Rio Grande Restoration Foundation and McDonald Ditch Company - Plaza Project Phase 2 - McDonald Ditch*
- g. *Conejos Water Conservancy District - Platoro Reservoir Crest of Dam Repair*
- h. *Sanchez Ditch & Reservoir Company - Sanchez Reservoir Rehabilitation - Phase I Assessment & Upgrade*
- i. *Ducks Unlimited, Inc. - South Platte River Phreatophyte Control Pilot*
- j. *Colorado State University Extension - Agricultural Weather Data Delivery Improvements to Uncompahgre Valley Irrigators*
- k. *Pikes Peak Regional Water Authority - Basin Roundtable Project Exploration Committee: Flaming Gorge*

LUNCH 12:20 – 1:00

6. San Miguel ISF Hearing (1:00 – 3:00)

BREAK 3:00 – 3:15

6. San Miguel ISF Hearing Continued (3:15 – 6:00)

RECESS 6:00 PM

Wednesday, September 14, 2011

CWCB Call to Order 8:00 AM

7. 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*

8. Final Action on Colorado River Instream Flow Appropriations (9:00 – 9:15)

9. ISF Water Acquisitions for Colorado River Cooperative Agreement (9:15 – 9:45)

10. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation – Update (9:45 – 10:15)

BREAK 10:15 – 10:30

11. Chatfield Reservoir Reallocation – Status Report (10:30 – 10:45)

12. Stream and Lake Protection Section — Injury with Mitigation — Case No. 6-05CW23: Application of Deerwood Service Company (10:45 – 10:55)

- Pursuant to ISF Rule 8i (3), the Board will be asked to (1) determine that the natural environment of Trout 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.

13. Presentation From Mesa (10:55 – 11:10)

14. Joint Meeting with the Colorado River Water District (11:10 – 11:55)

15. 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**

16. Executive Session (1:00 – 1:45)

- a. Stream and Lake Protection Section — Case No. 03CW108: Application of the Upper Gunnison River Water Conservancy District*
- b. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation*

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

18. Office of Water Conservation and Drought Planning - Proposed Guidelines Regarding the Reporting of Water Use and Conservation Data by Covered Entities – Implementation of HB10-1051 (1:50 – 2:35)

19. Finance Section – Financial Matters (2:35 – 2:50)

- a. Projections and Cash Balance Report for the Construction Fund and Severance Tax Perpetual Base Account.*

BREAK **2:50 – 3:05**

20. Finance Section – Construction Fund and Severance Tax Trust Perpetual Base Account – New Loans. (3:05 – 3:50)

- a. Lake Canal Reservoir Company – North Gray Reservoir Rehabilitation*
- b. The Jackson Ditch Company – Check Dam Rehabilitation*
- c. Tri-County Water Conservancy District – Ridgway Reservoir Micro-Hydro*

21. Directors' Reports (3:50 – 4:50)

- 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*

ADJOURN **4:50 PM**

CWCB Consent Agenda
September 13 - 14, 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 the instream flow and natural lake water rights in the following cases:*
 - a. *Case No. 2-08CW038: Application of Hill Ranches, Inc.*
 - b. *Case No. 3-10CW031: Application of Charles W. Tidd and Barbara T. Tidd*
 - c. *Case No. 4-10CW163: Application of O'Dell Land and Livestock, LLC*
 - d. *Case No. 4-11CW48: Application of Lizard Head Wilderness, LLC*
 - e. *Case No. 5-11CW88: Application of Michael and Janet Greene*
 - f. *Case No. 5-11CW92: Application of Upper Eagle Regional Water Authority*
2. **Finance Section Prequalification Project List Update**
 - a. *Twenty Two Road Lateral Company – Ditch Replacement*
 - b. *City of Trinidad – North Lake Dam Rehabilitation*
 - c. *Rio Grande Canal Water Users Association – Hydroelectric Project*
 - d. *Eckhardt Farms Inc. – Water Rights Purchase*