

# STATE OF COLORADO

## Colorado Water Conservation Board Department of Natural Resources

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### May 15 - 16, 2012 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, May 15, 2012 commencing at 8:30 a.m. and continuing through Wednesday, May 16, 2012. It will be held at the Hotel Glenwood Springs located at 52000 Two Rivers Plaza Road, Glenwood Springs, CO 81601. There will be a hearing on Colorado Weather Modification Rulemaking on Wednesday May 16, 2012, 3:00 pm. – 5:00 p.m. There will also be a reception in conjunction with the Colorado River Water Conservation District on the evening of May 15<sup>th</sup> at 6:30 p.m. This will occur at the Elk's Lodge located at 5139 Highway 6 #24, Glenwood Springs, CO 81601.

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](http://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](mailto: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).

**Tuesday, May 15, 2012**

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

- 1. Review and Approval of Agenda (8:30 – 8:35)**
- 2. Review and Approval of Meeting Minutes – March 20- 21, 2012 Board Meeting (8:35 – 8:40)**
- 3. Approve and/or Remove Items from Consent Agenda (8:40 – 8:45)**
- 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. (8:45 – 8:50)**
  - a. July 17-18, 2012                      Gunnison
  - b. September 27-28, 2012              Berthoud
  - c. November 13-14, 2012              Denver
- 5. Directors' Reports (8:50 – 9:50)**
  - 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

**BREAK                                      9:50 – 10:00**

- 6. Interstate and Federal and Water Information Section – (10:00 – 10:50)**
  - This Board Meeting is focusing on interstate, federal, and water information issues. The staff will provide the Board with high level presentations about the following keystone topics.
    - a. Compacts Overview
    - b. Decision Support Systems (DSS)
    - c. Recovery Programs
- 7. 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.

**8. Executive Session (11:00 – 12:30)**

- a. *US/Mexico*
- b. *Aspinall EIS and ROD*
- c. *Ruedi Reservoir*
- d. *Laramie River Basin Instream Flow Appropriations*
- e. *Case Nos. 5-11CW159, 160 and 161: Application of Colorado Water Conservation Board*
- f. *Case No. 5-11CW52: Application of City and County of Denver, Grand County and Colorado Water Conservation Board*
- g. *Case No. 4-10CW180: Application of Colorado Water Conservation Board*
- h. *Case No. 4-11CW129 San Miguel River ISF; and Case No. 4-10CW194 Board of County Commissioners of Montrose County, Town's of Nucla and Naturita.*

**LUNCH 12:30 – 1:30****9. Report from Executive Session (1:30 – 1:35)****10. Stream and Lake Protection Section – Uncontested 2012 Instream Flow Appropriations (1:35 – 1:55)**

- Staff will ask the Board to take final action on the following 12 uncontested streams.

<b>DIVISION</b>	<b>STREAM NAME</b>	<b>COUNTY(IES)</b>	<b>RECOMMENDER(S)*</b>
<i>1</i>	<i><u>Fish Creek (Increase)</u> (Confl. Unnamed Tributary to Confl. Johnson Creek)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Forrester Creek</u> (Headwaters to Forrester Creek Ditch Headgate)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Grace Creek</u> (Confl. NF &amp; SF Grace Creek to Grace Creek Ditch Headgate)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Johnson Creek</u> (Confl. Fish Creek to Confluence Pole Creek)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Johnson Creek</u> (Confl. Unnamed Tributary to Confl. Fish Creek)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Johnson Creek (Increase)</u> (Confl. Pole Creek to Colorado-Wyoming Border)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Pole Creek (Increase)</u> (Headwaters to Confl. Johnson Creek)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>1</i>	<i><u>Stuck Creek (Increase)</u> (Headwaters to Warren Ditch headgate)</i>	<i>Larimer</i>	<i>Bureau of Land Management</i>
<i>3</i>	<i>Brewery Creek</i>	<i>Saguache</i>	<i>Bureau of Land</i>

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

**11. Stream and Lake Protection Section – Temporary Leases of Water for Instream Flow Use (1:55 - 2:25)**

*– Staff will inform the Board about the Colorado Water Trust’s efforts to facilitate temporary leases of water for ISF use. This is an informational item with no Board action required.*

**12. Water Supply Planning Section - Colorado Foundation for Water Education (2:25 – 2:40)**

**13. Watershed and Flood Protection Section - Revised Criteria for the Colorado Watershed Restoration Program (2:40 – 2:55)**

**14. Water Supply Planning Section - Recharge Colorado Update (2:55 – 3:10)**

**BREAK 3:10 – 3:30**

**15. CWCB/Colorado River Water Conservation District Joint Meeting (3:30 – 5:00)**

- a. Colorado River Work*
  - 1. BOR/Basin States Colorado River Basin Study*
  - 2. Colorado River Water Bank Working Group*
  - 3. Colorado River Water Availability/Risk Management Work*
- b. Ruedi Reservoir*
  - 1. Clifford Stone naming*
  - 2. Debt Repayment*
- c. Colorado River Cooperative Agreement*

**RECESS 5:00 PM**

**Reception at the Elk’s Lodge 6:30 PM**

**Wednesday, May 16, 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. Water Supply Planning Section – WSRA Grants – Basin Applications (9:30 – 9:50)**

- a. El Paso County - Groundwater Quality Study, Phase 2 - Upper Black Squirrel Creek Alluvial Aquifer*
- b. Eagle River Watershed Council - Colorado River Inventory and Assessment*
- c. Jackson County Water Conservancy District - Structures for Water Control: Headgates and Diversion - Additional Funds Request*

**BREAK                                      9:50 – 10:05**

**18. Water Supply Planning Section - SWSI Work Plan Consideration for Approval (10:05 – 10:50)**

**19. Water Supply Planning Section - Scenario Planning (10:50 – 11:25)**

**20. Colorado Water for the 21<sup>st</sup> Century Roadmap Update (11:25 – 11:40)**

**21. Water Supply Planning Section - DRAFT Water Efficiency Plan Guidance Document and Template (11:40 – 12:15)**

**LUNCH                                      12:15 – 1:15**

**22. Water Supply Planning Section - Drought Update (1:15 – 1:30)**

**23. Finance Section – Animas- La Plata (A-LP) State Pool Allocation – Water Purchase Update (1:30 – 1:45)**

**24. Finance Section – Financial Matters (1:45 – 2:05)**

- a. Cash Balance report*
- b. Loan Lending Rates for FY12/13*

**25. Finance Section – New Construction Fund Loan (2:05 – 2:20)**

- a. *McDonald Ditch Company - McDonald Ditch Diversion and Headgate Replacement Project*

**26. Finance Section – Changes to Existing Loans (2:20 – 2:35)**

- a. *Tom Hill – McElroy Dam Rehabilitation Project*

**27. Finance Section - Severance Tax Trust Fund Operation Account (2:35 – 2:45)**

*– Program Policy Review and Approval*

**BREAK                      2:45 – 3:00**

**28. Colorado Weather Modification - Rulemaking Hearing (3:00 – 5:00)**

**ADJOURN                      5:00 PM**

**CWCB Consent Agenda**  
**May 15 - 16, 2012**

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 - Statement of Opposition**

*- The Board will be asked to ratify a Statement of Opposition that was filed by staff to protect instream flow and natural lake level water rights in the following case:*

- a. *Case No. 1-12CW050; Application of Upper S. Platte Water Conservancy District and Center of Colorado Water Conservancy District*

**2. Interstate and Federal and Water Information Section - Statement of Opposition**

*- 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. 4-12CW004: Application to Make Absolute by the Upper Gunnison River Water Conservancy District*

**3. Watershed & Flood Protection Section - Floodplain Designations**

- a. *"Flood Hazard Area Delineation, Piney Creek and Antelope Creek", dated December 2011, by WRC Engineering*
- b. *"Flood Hazard Area Delineation, Big Dry Creek", dated January 2012, by Wright Water Engineers, Inc.*