

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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March 20 - 21, 2012 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, March 20, 2012 commencing at 8:30 a.m. and continuing through Wednesday, March 21, 2012. It will be held at the Colorado Water and Power Authority offices located at 1580 Logan St, 6th floor conference room, Denver, CO 80203. A Board workshop is also scheduled for the afternoon of March 19th, 2012. There will also be a reception to honor Eric Wilkinson and Carl Trick on March 20th at 6:00 PM. This will occur at the Warwick Hotel located at 1776 Grant St, Denver CO 80203.

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.

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, 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).

Monday, March 19, 2012, 1:00 PM

CWCB Board Workshop

1. Severance Tax Trust Fund Operational Account, Project recommendations
2. DSS Software, Open Source Conversion
3. SWSJ 2010 Work Plan

Tuesday, March 20, 2012

CWCB Call to Order 8:30 AM

- 1. Swearing in of Directors (8:30 – 8:35)**
- 2. Election of Officers (8:35 – 8:40)**
- 3. Review and Approval of Agenda (8:40 – 8:45)**
- 4. Review and Approval of Meeting Minutes – January 23- 24, 2012 Board Meeting (8:45 – 8:50)**
- 5. Approve and/or Remove Items from Consent Agenda (8:55 – 9:00)**
- 6. 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.* (8:50 – 9:00)**
 - a. May 15-16, 2012 Glenwood Springs*
 - b. July 17-18, 2012 Gunnison*
 - c. September 17-18, 2012 Berthoud*
 - d. November 13-14, 2012 Denver*

7. Directors' Reports (9:00 – 10:00)

- 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 **10:00 – 10:15**

- 8. Colorado River Basin Study (10:15 – 10:30)** - *The Board will receive an update on the basin study status and have an opportunity to provide input regarding the study.*
- 9. Interstate and Federal Section – Colorado River Water Availability Study Phase 1 (10:30 – 10:50)**

10. 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.

11. Executive Session (11:00 – 12:00)

- a. Colorado River issues*
- b. Case No. 5-04CW238: Application of S.G. Company*
- c. Case No. 4-10CW184: Application of Montrose County*
- d. Republican River issues*

LUNCH 12:00 – 1:00

12. Report from Executive Session (1:00 – 1:05)

13. Finance Section – Cash Balance Report (1:05 – 1:15)

14. Finance Section/Water Supply Planning Section - City of Trinidad – North Lake Dam Rehabilitation Project (1:15 – 1:45)

- a. Water Project Loan - Construction Fund*
- b. Water Supply Reserve Account Grant*

15. Finance Section/Water Supply Planning Section - North Delta Irrigation Company – NDIC Tunnel Repair Project (1:45 – 2:15)

- a. Water Project Loan - Construction Fund*
- b. Water Supply Reserve Account Grant*

16. Finance Section/Water Supply Planning Section - Terrace Irrigation Company – Spillway Replacement Project (2:15 – 2:45)

- a. Water Project Loan - Construction Fund*
- b. Water Supply Reserve Account Grant*

17. Finance Section - New Construction Fund Loan (2:45 – 2:55)

- a. Montezuma Valley Irrigation Company – Lone Pine and May Pipeline Improvements Project (A)*

BREAK 2:55 – 3:10

18. Finance Section/Interstate & Federal Section – Animas-La Plata (A-LP) State's Pool Allocation – Water Purchase Update (3:10 – 3:25)

19. Water Supply Planning Section – WSRA Grants – Basin and State Applications (4 Applications) (3:25 – 3:45)

- a. Upper Swan River Restoration Project*
- b. Investigation of Water Savings, Water Quality Benefits and Profitability of Sub-Surface Drip on Alfalfa in Grand Valley*
- c. Gunnison Basin Education Program*
- d. Conejos River System Gauging Stations Project*

20. Water Supply Planning /Watershed and Flood Protection Sections - Spring Flood and Drought Outlook (3:45 – 4:35)

21. Water Supply Planning Section – Castle Pines Metro District Conservation Grant (4:35 – 4:50)

22. Finance Section – Projects Bill Update (4:50 – 5:05)

RECESS 5:05 PM

Reception to Honor Eric Wilkinson and Carl Trick at the Warwick Hotel – 6:00 PM

Wednesday, March 21, 2012

CWCB Call to Order 8:30 AM

23. 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*

24. Interstate, Federal, and Water Information Section – Litigation Account (9:30 – 9:50)

- a. Litigation Account Draft Report to General Assembly*
- b. Request for Utilization of Litigation Account – Colorado River*
- c. Request for Utilization of Litigation Account – Arkansas River*
- d. Request for Utilization of Litigation Account –Republican River*

BREAK 9:50 – 10:05

25. Stream and Lake Protection Section – New Appropriation Recommendations in Water Division 1 (10:05 -10:35) – Staff will ask the Board to declare its intent to appropriate the following nine instream flow water right recommendations.

Division	Stream Name	County(ies)	Recommender(s)*
1	North Clear Creek (Confl. Chase Gulch to Confl. Clear Creek)	Gilpin, Jefferson	CPW & CDPHE
	Fish Creek (Increase) (Confl. Unnamed Tributary to Confl. Johnson Creek)	Larimer	BLM
	Forrester Creek (Headwaters to Forrester Creek Ditch Headgate)		
	Grace Creek (Confl. NF & SF Grace Creek to Grace Creek Ditch Headgate)		
	Johnson Creek (Confl. Fish Creek to Confluence Pole Creek)		
	Johnson Creek (Confl. Unnamed Tributary to Confl. Fish Creek)		
	Johnson Creek (Increase) (Confl. Pole Creek to Colorado-Wyoming Border)		
	Pole Creek (Increase) (Headwaters to Confl. Johnson Creek)		
	Stuck Creek (Increase) (Headwaters to Warren Ditch headgate)		

*CPW (Colorado Parks and Wildlife), CDPHE (Colorado Department of Public Health and Environment), and BLM (Bureau of Land Management)

26. Stream and Lake Protection Section – 2012 New Instream Flow Appropriations (10:35 – 10:45) – The Board will take public comment on the following 4 instream flow water right appropriations pursuant to ISF Rule 5c. The Board declared its intent to appropriate these rights at its January 24, 2012 meeting.

Division	Stream Name	County	Recommender
3	Brewery Creek (USFS Boundary to Confl. Kerber Creek)	Saguache	Bureau of Land Management
	Elkhorn Gulch (USFS Boundary to Confl. Kerber Creek)		
	Kerber Creek (Confl. Elkhorn Gulch to Confl. Brewery Creek)		
	Kerber Creek (Confl. Brewery Creek to Wells Kerber Ditch headgate)		

27. Stream and Lake Protection Section – Instream Flow Appropriation

Recommendations for 2013 (10:45 – 11:00) – Pursuant to ISF Rule 5c., the Staff is providing notice that the following 27 stream segments are being considered for instream flow appropriations in 2013. Staff will provide a summary of the February 22, 2012 ISF Workshop, at which it received these recommendations. At the January 2013 CWCB meeting, staff may request that the Board form its intent to appropriate ISF water rights on these streams.

Division	Stream Name	County(ies)	Recommender(s)*
1	Graves Creek (Wyoming State Line to South Line S27 T12N R68W)	Larimer	City of Fort Collins, CPW
1	Lone Tree Creek (NW S29 T12N R67W to SE S31 T12N R67W)	Larimer	City of Fort Collins, CPW
1	Shell Creek (headwaters to Shell Creek Ditch headgate)	Larimer	BLM
1	Spottlewood Creek (NW S29 T12N R68W to Road at NW S33 T12N R68W)	Larimer	City of Fort Collins, CPW
1	Spottlewood Creek (NW S34 T11N R68W to SW S34 T11N R68W)	Larimer	City of Fort Collins, CPW
2	Beaver Creek (Confl. East & West Beaver Creeks to Confl. Patton Canyon)	Fremont	CPW
2	West Beaver Creek (Confl. Douglas Gulch to Confl. East & West Beaver Creeks)	Fremont, Teller	CPW
2	Baker Creek ¹ (headwaters to USFS Boundary)	Huerfano	CWP
2	Bonnett Creek (headwaters to USFS Boundary)	Huerfano	CPW
2	Apishapa River (Headwaters to confl. Herick Canyon Creek)	Las Animas	CPW
2	Arkansas River (Outlet of Fish Hatchery to Confl. Fountain Creek)	Pueblo	City of Pueblo, CPW
4	Ute Creek (Headwaters to Confl. West Creek)	Mesa	BLM
5	East Divide Creek #2 (Confl. Camp Creek to Confl. June Creek)	Garfield	CPW
5	Meadow Creek (Outlet Meadow Creek Reservoir to Confl. Main Elk Creek)	Garfield	CPW
5	Beaver Creek (Headwaters to Rifle Town Intake)	Mesa	CPW

5	Beaver Dams Creek (<i>Headwaters to (Confl. East Divide Creek)</i>)	Mesa	CPW
5	Granite Creek (<i>Confl. of two unnamed tributaries to Colorado-Utah border</i>)	Mesa	BLM
5	West Divide Creek (<i>Confl. Little Beaver Creek to Confl. Mosquito Creek</i>)	Mesa	CPW
5	East Divide Creek #1 (<i>Confl. Gennings Creek to Confl. Camp Creek</i>)	Mesa & Garfield	CPW
6	Government Creek (<i>Headwaters to Government Ditch No. 2 headgate</i>)	Jackson	BLM
6	North Fork North Platte River (<i>Headwaters to Little Nellie Ditch headgate</i>)	Jackson	BLM
6	South Fork Big Creek (<i>Confl. Wheeler Creek to Colorado-Wyoming border</i>)	Jackson	BLM
6	Wheeler Creek (<i>Headwaters to Confl. SF Big Creek</i>)	Jackson	BLM
6	Yellow Creek (<i>Confl. Lambert Springs in Sec. 12, T1N, R98W 6th PM to Confl. Barcus Creek</i>)	Rio Blanco	BLM & CPW
6	Yellow Creek (<i>Confl. Barcus Creek to Confl. White River</i>)	Rio Blanco	BLM
6	Red Creek (<i>Boundary Routt National Forest to Confl Willow Creek</i>)	Routt	BLM
6	Willow Creek (Increase) (<i>Outlet Steamboat Lake to Confl. Beaver Creek</i>)	Routt	BLM
6	Willow Creek (Increase) (<i>Confl. Beaver Creek to Confl. Elk River</i>)	Routt	BLM

*CPW (Colorado Parks and Wildlife), BLM (Bureau of Land Management)

¹ Action will not be taken until after January 2013

28. Water Infrastructure Network (WIN Colorado) Update (11:00 – 11:20)

29. Watershed and Flood Protection Section – Community Assistance Program Functions (11:20 – 11:35)

30. Watershed and Flood Protection Section – Weather Modification Rules and Regulations Update (11:35 – 12:00)

LUNCH 12:00 – 1:00

31. Watershed and Flood Protection Section – Fish and Wildlife Resources Fund (1:00 – 1:25) – *Proposal to Create Stream Mitigation Banking Protocols.*

32. Watershed and Flood Protection Section – Map Modernization/RiskMap Update (1:25 – 1:45)

33. Interstate, Federal, and Water Information Section – Public Deliberation on the Board of Commissioners for the County of Grand’s Recreational In-Channel Diversion (RICD) Application in Case No. 5-10CW298 - *Pursuant to the Board’s RICD Rules, the Board will publicly deliberate and issue findings on the subject RICD application.* (1:45 – 3:45)

BREAK 3:45 – 4:00

34. Watershed and Flood Protection Section – Update on Watershed Restoration Programs (4:00 – 4:10)

35. Water Supply Planning Section – Projects and Methods Implementation (4:10 – 4:30)

36. Water Supply Planning Section - SWSI Work Plan (4:30 – 4:45)

37. Finance Section – Water Infrastructure and Supply Efficiency (W.I.S.E.) Project (4:45 – 5:00)

38. Finance Section – Severance Tax Trust Fund Operational Account, Approval of Project Recommendations (5:00 – 5:15)

ADJOURN 5:15 PM

CWCB Consent Agenda
March 20 - 21, 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 - 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. 1-11CW253: Application of Suzanne F. Van Hall, et al.*
 - b. *Case No. 1-11CW265: Application of The City of Fort Collins*
 - c. *Case No. 1-11CW279: Application of Cheley Colorado Camps, Inc.*
 - d. *Case No. 1-11CW294: Application of Aggregate Industries – WCR, Inc.*
 - e. *Case No. 2-11CW77: Application of The Lower Arkansas Valley Water Conservancy District and Larkspur, Inc.*
 - f. *Case No. 2-11CW081: Application of The City of Aurora, Colorado*
 - g. *Case No. 2-11CW089: Application of Three Elk Creek Estates, Inc.*
 - h. *Case No. 2-11CW093: Application of ACA Products, Inc.*
 - i. *Case No. 4-11CW161: Application of Moores Mining Ranching and Sawmill*
 - j. *Case No. 5-11CW185: Application of Encana Oil & Gas (USA) Inc.*
 - k. *Case No. 5-11CW196: Application of Aspen Camp School for the Deaf*
 - l. *Case No. 5-11CW198: Application of Music Associates of Aspen, Inc.*
 - m. *Case No. 5-11CW199: Application of PT Ranch Barn, L.L.C.*
- 2. Finance Section – Prequalification Project List**
- 3. Interstate and Federal Section** -- *The Board will be asked to ratify a Statement of Opposition that has been filed by staff:*
 - a. *Case No. 11CW274: Application for a Conditional Storage Right and the Conditional Right of Appropriated Exchange by the Logan County Water Conservancy District*