

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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JULY 17-18, 2012 BOARD MEETING AGENDA

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

A meeting of the CWCB will be held on Tuesday, July 17, 2012 commencing at 8:30 AM. and continuing through Wednesday, July 18, 2012. The meeting will be held at the College Center Ballroom, Western State College of Colorado, located at 600 North Adams Street, Gunnison, Colorado, 81231. There will be a joint workshop with the Upper Gunnison River Water Conservancy District (UGRWCD), held in the same location from 3:00 to 5:00 PM on Tuesday, July 17. There will also be a reception hosted by the UGRWCD on the evening of July 17th, at the District's offices located at 210 W. Spencer Ave, Suite B, Gunnison, CO, 81230.

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 brent.newman@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 Brent Newman at 303-866-3441, Ext. 3222. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).

TUESDAY, JULY 17, 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 – May 15-16, 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 (8:45 – 8:50)

- *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.*
- a. September 27-28, 2012 Berthoud (Thursday/Friday Meeting)
- b. November 13-14, 2012 Denver
- c. January 28-29, 2013 Denver (Monday/Tuesday Meeting)

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 – 10:05

6. Attorney General's Report, Legal Briefing and Executive Session (10:05 – 10:15)

- *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.*

7. Executive Session (10:15 – 11:45)

- a. Ruedi Reservoir issues associated with specific legal questions
- b. Colorado River Issues associated with specific legal questions
- c. Animas-La Plata associated with specific legal questions
- d. Case No. 5-07CW210: Application of Vail Associates
- e. Consolidated Case Nos. 4-10CW164, 165, 166, 167, and 169: Applications of the Board of Commissioners of Montrose County, Town of Nucla and Town of Naturita
- f. Temporary Leases/Loans of Water for Instream Flow Use
- g. Potential Water Right Acquisition for Instream Flow Use

LUNCH 11:45 – 12:45

8. Report from Executive Session (12:45 – 12:50)

9. Interstate, Federal, and Water Information Section – Litigation Account (12:50 – 1:05)

- *The Staff will request that the Board approve the use of the litigation account for costs associated with the following litigation:*
 - a. Request for Utilization of Litigation Account – Rio Grande River

10. Stream and Lake Protection / Interstate, Federal, and Water Information Sections – Wild and Scenic Rivers Update (1:05 – 1:25)

- *The Staff will provide the Board with updates on the work that is currently occurring through the various Wild and Scenic stakeholder groups. This item is informational only, with no Board action required.*

11. Finance / Interstate, Federal, and Water Information Sections – Animas-La Plata (A-LP) State Pool Allocation – Water Purchase Update (1:25 – 1:45)

- *The Staff will update the Board on the ongoing work associated with the State’s purchase of the State Allocation of A-LP.*

12. Interstate, Federal, and Water Information Section – Long Term Experimental and Management Plan (LTEMP) for the Operation of Glen Canyon Dam (1:45 – 2:15)

- *The Staff will receive a presentation about the LTEMP EIS process, and the Basin States’ proposed alternative.*

13. Watershed & Flood Protection Section – State of the Science for Basin Forecasting (2:15 – 2:45)

BREAK 2:45-3:00

14. CWCB / Upper Gunnison River Water Conservancy District Joint Meeting (3:00 – 5:00)

RECESS 5:00 PM

WEDNESDAY, JULY 18, 2012

CWCB Call to Order 8:30 AM

15. 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

16. Finance Section – Cash Balance Report (9:30 – 9:40)

17. Finance Section – New Construction Fund Loans (9:40 – 10:10)

- a. Center of Colorado Water Conservancy District – Smelter Pipeline Reservoir Enlargement
- b. The Left Hand Ditch Company – Allen Lake and Lake Isabelle Repair Project

BREAK 10:10 – 10:25

18. Stream and Lake Protection Section – Temporary Leases/Loans of Water for Instream Flow Use (10:25 – 10:55)

- *Staff will ask the Board to ratify temporary leases and loans of water for instream flow use accepted by the Director since the May CWCB meeting, and will inform the Board of any requests for approval of temporary leases and loans pending with the State and Division Engineers.*

19. Stream & Lake Protection Section (10:55 – 11:55)

- *As part of the celebration of the CWCB's 75th anniversary, this meeting will focus on stream and lake protection issues. The staff will provide the Board with high level presentations about the following keystone topics. In addition to these presentations, please enjoy an informational slideshow during the meeting breaks. These are informational items with no Board action required.*
- a. Evolution of the Law Governing Colorado's Instream Flow and Natural Lake Level Program
- b. Measuring and Monitoring Water for the Instream Flow Program

LUNCH 12:00 – 1:00

20. Watershed & Flood Protection / Interstate, Federal, and Water Information Sections – Revised Criteria for Tamarisk, Russian Olive, and other Woody Riparian Invasive Species Control Program (1:00 – 1:30)

21. Watershed & Flood Protection / Interstate, Federal, and Water Information Sections – Presentation by Colorado Youth Corps Association (1:30 – 2:00)

22. Water Supply Planning Section – WSRA Grants – Basin Applications (2:00 – 2:20)

- a. Leon Park Reservoir Company - Leon Park Reservoir Dam Outlet Repair
- b. Loban, Hackleman and Olsen LLC - Seneca Ditch - Structure for Water Control
- c. Rio Grande County - Rio Grande County Hydrogeologic Study

23. Water Supply Planning Section – ATM Grant Program – Discussion of Criteria and Guidelines (2:20 – 2:35)

BREAK 2:35 – 2:50

24. Water Supply Planning Section - Statewide Drought Update and Response (2:50 – 3:05)

25. Water Supply Planning Section - CWCB Water Efficiency Plan Guidance Document (3:05 – 3:25)

26. Water Supply Planning Section - 2011 Colorado Drought Agriculture Economic Impact Study (3:25 – 3:45)

27. Water Supply Planning Section - Drought Assessment for Recreation and Tourism-Southwest Colorado (3:45 – 4:05)

28. Finance Section – Restructuring of Colorado River Water Conservation District Loan (4:05 – 4:20)

- *The staff is requesting guidance from the Board regarding a restructuring of the District's loan for needed improvements at the Wolford Mountain Dam site.*

ADJOURN

4:20 PM

CWCB CONSENT AGENDA

July 17-18, 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. 1-12CW070: Application of City of Longmont
 - b. Case No. 5-12CW039: Application of Vail Summit Resorts, Inc.
 - c. Case No. 1-12CW087: Application of Eldora Enterprises, LLC and Mountain Lease Enterprises, LLC
 - d. Case No. 1-12CW088: Application of Mesa Trail Ranch, LLC
 - e. Case No. 1-12CW091: Application of St. Vrain & Left Hand Water Conservancy District and County of Boulder

2. Finance Section – Recommended Prequalified Project

3. Interstate, 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. 2- 2012CW39: Application to Make Absolute and for Finding of Reasonable Diligence by Pueblo, a Municipal Corporation