

# STATE OF COLORADO

## Colorado Water Conservation Board Department of Natural Resources

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### SEPTEMBER 27-28, 2012 BOARD MEETING AGENDA

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John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

A meeting of the CWCB will be held on Thursday, September 27, 2012 commencing at 8:30 AM and continuing through Friday, September 28, 2012. The meeting will be held at the offices of the Northern Colorado Water Conservancy District, located at 220 Water Ave, Berthoud, CO, 80513. There will be a meeting of the Finance Committee on Wednesday, September 26<sup>th</sup>, at the same location, from 1:00 PM to 5:00 PM.

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/CWCBIBCCIInsider.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 [brent.newman@state.co.us](mailto: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).

**THURSDAY, SEPTEMBER 27, 2012**

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

- 1. Review and Approval of Agenda (8:30 – 8:32)**
- 2. Review and Approval of Meeting Minutes – July 17-18, 2012 Board Meeting (8:32 – 8:35)**
- 3. Approve and/or Remove Items from Consent Agenda (8:35 – 8:37)**
- 4. Future Board Meeting Dates (8:37 – 8:40)**
  - *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. November 13-14, 2012                      Denver (in conjunction with IBCC)
  - b. January 28-29, 2013                      Denver (Monday/Tuesday Meeting)
- 5. Directors' Reports (8:40 – 9:40)**
  - 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
- 6. Value of Water Campaign – Public Survey Update (9:40 – 9:50)**
  - *This is an informational item only. No Board action is required.*
- 7. Stream and Lake Protection Section — Authorization to Proceed to Trial in Consolidated Case Nos. 4-10CW164, 165, 166, 167, and 169: Application of the Board of Commissioners of Montrose County, Town of Nucla and Town of Naturita (9:50 – 10:00)**
  - *Pursuant to ISF Rule 8j., Staff will seek authorization to proceed to trial in these consolidated water court cases.*
- 8. Attorney General's Report, Legal Briefing and Executive Session (10:00 – 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.*

**BREAK                                      10:15 – 10:30**

- 9. Executive Session (10:30 – 11:30)**
  - a. Consolidated Case Nos. 4-10CW164, 165, 166, 167, and 169: Application of the Board of Commissioners of Montrose County, Town of Nucla and Town of Naturita
  - b. Case No. 4-11CW129: Application of CWCB on the San Miguel River
  - c. Case No. 4-10CW180: Application of Colorado Water Conservation Board on Washington Gulch and the Slate River
  - d. Republican River and associated litigation issues

- e. Colorado River Issues
- f. Loan Contract #C152824 – Rodney Preisser (Bankruptcy Court Settlement)

**10. Report from Executive Session (11:30 – 11:45)**

**LUNCH 11:45 – 12:45**

**11. Joint Meeting with Northern Colorado Water Conservancy District (12:45 – 1:45)**

**BREAK 1:45 – 1:55**

**12. Presentation by Pioneer Natural Resources – Purgatoire Watershed Monitoring Program in the Raton Basin (1:55 – 2:25)**

- *This is an informational item only. No Board action is required.*

**13. Stream and Lake Protection Section – Lower Dolores River Working Group Presentation (2:25 – 2:50)**

- *Representatives of the Group will present the Lower Dolores River Implementation, Monitoring and Evaluation Plan, which describes opportunities for improving the viability of native fish in the Dolores River below McPhee Dam. This is an informational item with no Board action required.*

**14. Stream and Lake Protection Section – Proposed Water Rights Acquisition on the Alamosa River (2:50 – 3:15)**

- *The Board will consider a donation of a water right from the Alamosa Riverkeepers to improve the natural environment of the Alamosa River to a reasonable degree. Consideration of this proposal triggers the 120 day period for Board review pursuant to ISF Rule 6b. No action is required at this time.*

**BREAK 3:15 – 3:30**

**15. ITEM REMOVED BY STAFF**

**16. Water Supply Planning Section – Drought Update (3:55 – 4:10)**

- *This is an informational item only. No Board action is required.*

**17. Finance / Interstate, Federal, and Water Information Sections – Animas-La Plata (A-LP) State's Pool Allocation Update (4:10 – 4:20)**

**18. Finance Section – Changes to Existing Loans (4:20 – 5:00)**

- a. Town of Starkville – Loan Restructuring
- b. Pagosa Area Water & Sanitation District – Dry Gulch Reservoir Project
- c. Tri-County Water Conservancy District – Tri-Country Water Hydropower Project

**RECESS 5:00 PM**

**FRIDAY, SEPTEMBER 28, 2012**

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

**19. 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

**20. Finance Section – Finance and Administration History Presentation (9:30 – 10:00)**

- *As part of the celebration of the CWCB's 75<sup>th</sup> anniversary, this meeting will focus on finance and administration issues. This is an informational item with no Board action required.*

**BREAK 10:00 – 10:15**

**21. Finance Section – Projections and Cash Balance Report (10:15 – 10:25)**

- *This is an informational item only. No Board action is required.*

**22. Finance Section – New Construction Fund Loans (10:25 – 11:05)**

- a. The Well Augmentation Subdistrict of Central Colorado Water Conservancy District – Water Rights Purchase and Gravel Pit Storage Project
- b. Eckhardt Farms Inc. – Water Rights Purchase
- c. Fort Morgan Reservoir and Irrigation Company – River Diversion Rehabilitation Project

**23. Finance / Water Supply Planning Sections – Construction Fund Loan & WSRA Grant (11:05 – 12:05)**

- a. Town of Ridgway – Lake Otonowanda Rehabilitation Project
- b. Pisgah Reservoir and Ditch Company – Mount Pisgah Dam / Wrights Reservoir Outlet Works Rehabilitation Project
- c. Sanchez Ditch and Reservoir Company – Sanchez Reservoir Outlet Rehabilitation Project

**LUNCH 12:05 – 1:05**

**24. Finance Section – New Severance Tax Trust Fund Perpetual Base Account (1:05 – 1:20)**

- a. Colorado Division of Parks & Wildlife – Beaver Park Dam Rehabilitation Project

**25. Water Supply Planning Section – WSRA Grant Applications (1:20 – 4:35)**

**Arkansas Basin Requests**

- a. Lower Arkansas Valley Water Conservancy District - Ag-Municipal Conservation Easement Demonstration
- b. Cross Creek Metropolitan District - Hale Reservoir Renovation – Final Design & Permitting

- c. Upper Arkansas Water Conservancy District - Build, Assess, and Document Accounting and Administration Tools for Lease Fallowing in the Arkansas River Valley

#### **Southwest Basin Requests**

- d. La Plata Archuleta Water District - Construction of Municipal Water Distribution Pipeline and Related Facilities
- e. Mancos Conservation District - Mancos River Habitat and Diversion Project - Phase 2
- f. Montezuma Valley Irrigation Company - Improved Water User, Conservation, Management and Operations through the Implementation of Water Accounting Software
- g. Red Mesa Reservoir & Ditch Company - Red Mesa Dam & Reservoir – Spillway Alternatives Analysis

#### **Rio Grande Requests**

- h. Rio Grande Headwaters Land Trust - Rio Grande Initiative: Haywood Ranch Conservation Easement

**BREAK                      2:50 – 3:05**

#### **Gunnison Basin Requests**

- i. Trout Unlimited - Relief Ditch Diversion Modification Construction
- j. City of Gunnison, Colorado Parks and Wildlife - River System Assessment and Restoration - Gunnison River near Gunnison, Colorado

#### **Metro / South Platte Basin Requests**

- k. The Greenway Foundation - Denver South Platte River Implementation Project - Frontier/Overland Final Design

#### **Metro Basin Requests**

- l. Douglas County Water Resource Authority – Landscape/Irrigation Training Pilot Program

#### **Colorado Basin Requests**

- m. Robinson Ditch Company - Robinson Ditch Piping Improvements
- n. Blue River Watershed Group - Tenmile Creek Restoration Project
- o. Eagle River Watershed Council - Colorado River Restoration and Conservation Projects
- p. Grand County - Gore Canyon Whitewater Park at Pumphouse-Colorado River
- q. Roaring Fork Water Conservancy - Crystal River Watershed – Assessment and Design of Restoration Projects
- r. Tamarisk Coalition - Grand Valley Riparian Restoration Collaborative (GVRRC) Project

#### **26. Watershed & Flood Protection / Interstate, Federal, and Water Information Sections – Invasive Phreatophyte Control Program (IPCP) (4:35 – 4:50)**

**ADJOURN                      4:50 PM**

**CWCB CONSENT AGENDA**  
**September 27-28, 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. 5-12CW04: Application of Colorado Mountain Resorts Investors, LLC

**2. Stream and Lake Protection Section - Temporary Leases of Water for Instream Flow Use**

- *The Board will be asked to ratify the CWCB Director's acceptance of the following temporary leases of water for instream flow use:*
  - a. Temporary Lease of Water Right from Colorado Water Trust and Aspen Shorefox, LLC for ISF use on the Colorado River
  - b. Temporary Lease of Water Right from Colorado Water Trust and Coyote River Ranch, LLC for ISF use on Deep Creek