

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



TO: Colorado Water Conservation Board Members

FROM: Tim Feehan, P.E., Assistant Director
Ted Kowalski, Chief

DATE: November 5, 2012

SUBJECT: **Agenda Item 21, November 13-14, 2012 Board Meeting**
Finance/Interstate, Federal and Water Information Section
Animas-La Plata (A-LP) States Pool Allocation – Water Purchase Update

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Staff Recommendation

This item is informational only and does not require Board action

Discussion

We are pleased to announce that at the October 8, 2012 Association Meeting, the State was unanimously voted into the Association and is now a voting member. The Water and Power Authority moved to make the State a member and the Southern Ute Tribe seconded that motion. There are now seven voting members on the Association, each with an equal vote.

Over the past few months the Association, Southwestern Water Conservation District (District), State Engineer's Office (SEO), and the Attorney General Office (AGO), have been working together to draft a motion to extend retained jurisdiction in Case 02CW85, set out at paragraph 3(g) on page 36 of the November 9, 2006 Decree, as amended on February 8, 2007, from December 31, 2012 to August 30, 2013. It is anticipated that the AGO will file the motion by November 12, 2012.

The 6-month extension for SEO to retain jurisdiction was to allow the Association, District, and SEO sufficient time to develop a final water administration protocol (Protocol) for the Animas-La Plata Project (Project). All Association members have submitted their comments on the draft Protocol, which will be discussed and hopefully finalized at the November 5, 2012 Association Meeting. The Association's comments will then be forwarded to SEO, AGO, and the District for review and comment.

Durango Pumping Plant Credit

Staff is currently waiting on a formal response from the Bureau of Reclamation on its settlement credit offer for the 46 acres of land donated by the State to the Bureau of Reclamation to construct its pumping plant for the Project. If the Bureau does not agree to the settlement, it will require the State to perform a full (yellow book) federal appraisal on the land, subject to the review and approval by Animas-La Plata Water Conservation District, who currently holds title on the property. Staff is hoping for a decision on the offer in the next few weeks.

Lake Nighthorse Recreation

For the past year the City of Durango has been working on finalizing its recreation plan on and around Lake Nighthorse. The City is recommending that the area be annexed to the City to allow it to provide police and emergency support. If the City were to annex Lake Nighthorse and the property around it, the Association would then fall under the various codes and ordinances of the City, which may or may not have negative impacts to the Association Members. The City will be discussing the annexation proposal to the Association at its next meeting on November 5, 2012. It is anticipated that a separate annexation agreement may be required to resolve the various concerns of each Association Member.