

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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NOVEMBER 13-15, 2012 BOARD MEETING AGENDA

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A meeting of the CWCB will be held on Tuesday, November 13, 2012 commencing at 8:30 AM and continuing through Wednesday, November 14, 2012. The meeting will be held at the History Colorado Center, 1200 Broadway, Denver, CO 80203. A joint meeting will be held with the Interbasin Compact Committee at the same location, on November 15th, commencing at 8:30 AM.

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/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.

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, NOVEMBER 13, 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 – September 27-28, 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. 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. Stream and Lake Protection Section – Proposed Water Rights Acquisition on the Alamosa River (9:40 – 10:00)**
 - *Staff will ask the Board to accept a donation of a water right on the Alamosa River from the Alamosa Riverkeepers to preserve and improve the natural environment of the Alamosa River to a reasonable degree.*
- 7. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 5-09CW160: Application of Upper Eagle Regional Water Authority (10:00 – 10:10)**
 - *Pursuant to ISF Rule 8j., Staff will seek authorization to proceed to trial in this water court case.*

BREAK 10:10 – 10:25

- 8. Attorney General's Report, Legal Briefing and Executive Session (10:25 – 10:40)**
 - *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.*
- 9. Executive Session (10:40 – 12:00)**
 - a. Colorado River Issues
 - b. Case No. 5-09CW160: Application of Upper Eagle Regional Water Authority
 - c. Case No. 5-10CW043: Application of the Board of County Commissioners of Summit County
 - d. Case No. 4-10CW180: Application of Colorado Water Conservation Board
 - e. Case No. 4-11CW129: Application of CWCB on the San Miguel River

- f. 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
- g. Chatfield Reservoir Issues
- h. Case No. 5-10CWC298: Application of Grand County
- i. Animas-La Plata

LUNCH 12:00 – 1:00

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

11. Interstate, Federal, and Water Information Section – Colorado River Basin Water Supply and Demand Study Update (1:05 – 1:35)

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

12. Interstate, Federal, and Water Information Section (1:35 – 2:05)

- a. Colorado River Water Availability Study Update
 - *This is an informational item only. No Board Action is required.*
- b. U.S. – Mexico Bi-National Negotiations
 - *The Board will receive a public briefing on these negotiations from the staff.*

13. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account (2:05 – 2:30)

- a. Annual Financial Statements
- b. Projections and Cash Balance Report

14. Finance – New Construction Fund Loan (2:30 – 2:50)

- a. Bergen Ditch and Reservoir Company – Bergen Reservoir #2 Rehabilitation Project

15. Finance – Changes to Existing Loans (2:50 – 3:00)

- a. Farmers’ High Line Canal and Reservoir Company – System Rehabilitation Project
- b. McDonald Ditch Company – McDonald Ditch Diversion and Headgate Replacement Project

BREAK 3:00 – 3:15

16. Finance – Construction Fund En-Bloc Non-Reimbursable Investment (3:15 – 3:25)

- a. Division of Water Resources – Satellite Monitoring System and Streamgage Refurbishment Program
- b. Weather Modification Program
- c. Colorado Floodplain Map Modernization - Refresh
- d. Colorado Watershed Restoration Program - Refresh
- e. Flood & Drought Response Fund – Refresh

17. Finance – Construction Fund Referred Non-Reimbursable Investments (3:25 – 4:05)

- a. Rio Grande Water Supply Forecasting Development Project
- b. CDSS Operations and Maintenance
- c. Colorado River Basin Study Implementation
- d. Arkansas River Decision Support System
- e. SWSI 2016

18. Finance – Projects Bill Discussion Items (4:05 – 5:05)

- a. Windy Gap Bypass Project Funding
- b. Chatfield Reallocation – Orphan Shares
- c. Instream Flow Acquisitions – Statutory Language Change

RECESS 5:05 PM

WEDNESDAY, NOVEMBER 14, 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. Presentation by U.S. Fish and Wildlife Service (9:30 – 9:45)

21. Finance / Interstate, Federal, and Water Information Sections – Animas-La Plata (A-LP) State's Pool Allocation (9:45 – 9:55)

22. Finance – La Plata Archuleta Water District – A-LP Water Lease – Purchase Offer (9:55 – 10:05)

BREAK 10:05 – 10:20

23. Water Supply Planning Section – Update on Alternative Water Transfer Grant Program (10:20 – 11:05)

24. Water Supply Planning Section – Request for Approval of WSRA Criteria and Guidelines (11:05 – 11:50)

25. Water Supply Planning Section – WSRA Grants – New Basin Applications (11:50 – 12:00)

- a. Town of Rangely – Rangely Raw Water Irrigation System Flow Study/Design

LUNCH 12:00 – 1:00

26. Stream and Lake Protection Section – Notice of 2013 Instream Flow Recommendation Appropriations in Water Divisions 1, 2 and 6 (1:00 – 1:10)

- Pursuant to ISF Rule 5c., the CWCB is providing notice that the following streams are being considered for instream flow appropriations in 2013. At the January or March 2013 CWCB meeting, staff may request the Board to form its intent to appropriate ISF water rights on some or all of these streams.

Division	Stream Name	County(ies)	Recommender(s)*
1	North Clear Creek <i>Confl. Chase Gulch to WWTP</i>	Gilpin	CDPHE, CPW
1	North Clear Creek <i>WWTP to Confl. Clear Creek</i>	Gilpin	CDPHE, CPW
2	Apishapa River <i>Headwaters to confl. Herlick Canyon Creek</i>	Las Animas	CPW
2	Baker Creek <i>Headwaters to USFS Boundary</i>	Huerfano	CPW
2	Bonnett Creek <i>Headwaters to USFS Boundary</i>	Huerfano	CPW
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. Lester Creek</i>	Routt	BLM
6	Red Creek <i>USFS Boundary to confl. Willow Creek</i>	Routt	BLM
6	Government Creek <i>Headwaters to Government Ditch No. 2</i>	Jackson	BLM
6	Yellow Creek <i>Barcus Creek to confl White River</i>	Rio Blanco	BLM, CPW
6	Yellow Creek <i>Barcus Creek to confl White River</i>	Rio Blanco	BLM, CPW

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

27. Stream and Lake Protection Section – Proposed Acquisition of Contractual Interest in Water on the South Platte River (1:10 – 1:30)

- The Board will consider a proposed water delivery agreement with Denver Water for instream flow use on the South Platte River. Consideration of this proposal triggers the 120-day period for Board review pursuant to ISF Rule 6b. No action is required at this time.

28. Stream and Lake Protection / Interstate, Federal, and Water Information Sections – Wild and Scenic Rivers Update (1:30 – 1:50)

- 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.

29. Interstate, Federal, and Water Information Section – Board of Commissioners for the County of Grand – Recreational In-Channel Diversion (RICD) Application in Case No. 5-10CW298 (1:50 – 2:10)

- *The Board will be asked to consider a negotiated settlement for the Board of Commissioners for the County of Grand's Recreational In-Channel Diversion (RICD) Application in Case No. 5-10CW298*

30. Stream and Lake Protection Section – Colorado Water Trust Report on the Request for Water 2012 Program (2:10 – 2:25)

31. CWCB Strategic Framework (2:25 – 2:45)

ADJOURN 2:45 PM

A joint meeting with the Interbasin Compact Committee (IBCC) will be held at the same location, commencing on Thursday, November 15, 2012. The IBCC agenda will be generated and distributed separately.

CWCB CONSENT AGENDA
November 13-14, 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

- a. Case No. 4-12CW083: Application of Stephen and Margaret Wood
- b. Case No. 1-12CW195: Application of Town of Alma

2. Finance – Recommended Prequalified Project

3. Finance – Loan De-Authorizations

- a. Supply Irrigating Ditch Company - Knouth Reservoir Dam Rehabilitation Project
- b. Park Center Water District - Well Re-drilling Project
- c. South Metro Water Supply Authority - Water Supply Pipeline Capacity Acquisition Project
- d. Paradise Acres Homeowners Association - Dedicated Fill Pipe Project
- e. City of Trinidad - North Lake Dam Rehabilitation Project

4. Watershed and Flood Protection Section – Floodplain Designation

- a. "Flood Hazard Area Delineation, Little Creek" by AMEC Earth & Environmental, dated July 2012.