

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

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### JANUARY 28-29, 2013 BOARD MEETING AGENDA

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A meeting of the CWCB will be held on Monday, January 28, 2013 commencing at 8:30 AM and continuing through Tuesday, January 29, 2013. This meeting will be held at the Marriott Denver Tech Center, located at 4900 South Syracuse Street, Denver, CO 80237. The Board will hold a workshop on Wednesday, January 30<sup>th</sup>, beginning at 8:30 a.m. in the same location.

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).

John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

**MONDAY, JANUARY 28, 2013**

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

## 1. Review and Approval of Agenda (8:30 – 8:32)

**2. Review and Approval of Meeting Minutes – November 13-14, 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 in 2013 (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. March 19-20 Denver
  - b. May 14-15 Grand Junction
  - c. July 16-17 San Luis Valley
  - d. Sept 24-25 Telluride
  - e. Nov 19-20 Denver

## 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. CWCB Strategic Plan (9:40 – 9:55)

**BREAK** **9:55 – 10:10**

## 7. Finance – Recommended Prequalified Projects (10:10 – 10:20)

## 8. Interstate, Federal, and Water Information Section (10:20 – 10:40)

- a. Annual Litigation Account Report
- b. Request for Utilization of Litigation Account – Rio Grande Basin

**9. Attorney General's Report, Legal Briefing and Executive Session (10:40 – 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.*

## 10. Executive Session (11:00 – 12:00)

- a. *Tarrant Regional Water District v. Herrmann*
- b. 2013 Temporary Leases of Water for ISF Use
- c. *Texas v. New Mexico and Colorado* (Rio Grande litigation)
- d. Case No. 4-11CW129: Application of CWCB on San Miguel River
- e. Republican River Issues

- f. A-LP Water Lease Purchase Offer

**LUNCH 12:00 – 1:00**

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

**12. Interstate, Federal, and Water Information Section – Species Conservation Trust Fund (1:05 – 1:20)**

- *The Board will be asked provide input on the report to the General Assembly on the progress and status of activities as well as recommendations for 2013 projects.*

**13. Finance – 2012 Design and Construction Presentation (1:20 – 2:00)**

**14. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account (2:00 – 2:10)**

- a. Cash Balance Report

**15. Finance – New Construction Fund and Severance Tax Trust Fund Perpetual Base Account Loans (2:10 – 2:50)**

- a. Roxborough Water and Sanitation District – Raw Water Supply Project
- b. Twenty Two Road Lateral Company – Twenty Two Road Lateral Ditch Replacement Project
- c. City of Greeley – High Park Fire Restoration Project

**16. Value of Water – Public Survey Results (2:50 – 3:05)**

**BREAK 3:05 – 3:20**

**17. Finance – Projects Bill (3:20 – 3:50)**

- a. Instream Flow Acquisitions – Statutory Language Change
- b. Chatfield Reallocation – Orphan Shares Purchase
- c. South Platte Groundwater Study Funding

**18. Finance / Interstate, Federal, and Water Information Section – Animas-La Plata (A-LP) State's Pool (3:50 – 4:00)**

**19. Stream and Lake Protection Section – Proposed Acquisition of Contractual Interest in Water on the South Platte River (4:00 – 4:15)**

- *Staff will ask the Board to approve a proposed water delivery agreement with Denver Water for instream flow use on the South Platte River.*

**20. Stream and Lake Protection Section – Application of Board of County Commissioners of Clear Creek County and Colorado Historical Society (4:15 – 4:35)**

- *Case No. 1-06CW037 – Staff will present and ask the Board to consider a request to inundate the Board's ISF right on Clear Creek.*

**21. Presentation by Colorado Department of Agriculture – Water Systems Demonstration (4:35 – 5:00)**

**RECESS 5:00 PM**

**TUESDAY, JANUARY 29, 2013**

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

**22. 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

**23. Finance – Changes to Existing Loans (9:30 – 9:40)**

- a. Tri-County Water Conservancy District – Tri-County Water Hydropower Project

**24. Water Supply Planning Section – Statewide Drought Update and Response (9:40 – 10:00)**

**BREAK                                      10:00 – 10:15**

**25. Water Supply Planning Section – WSRA Applications (10:15 – 11:15)**

- a. Colorado Foundation for Water Education – Solicitation of Stakeholder Input and Advice
- b. Animas Airpark Property Owners Association – Animas Airpark Water Distribution System
- c. Purgatoire River Water Conservancy District – Purgatoire River Reach 3 Habitat Improvement Project
- d. Grand County – Gore Canyon Whitewater Park at Pumphouse – Colorado River

**26. Water Supply Planning Section – Western Governors' Association Presentation on the Recent Report, *Water Transfers in the West* (11:15 – 11:45)**

**LUNCH                                      11:45 – 1:00**

**27. Water Supply Planning Section – Presentation/Discussion of State Water Planning Efforts (1:00 – 1:45)**

**28. Water Supply Planning Section – Water Efficiency Update (1:45 – 2:00)**

**29. Water Supply Planning Section – Basin Roundtable Project Exploration Committee Report (2:00 – 2:45)**

**30. Stream and Lake Protection Section – Instream Flow Recommendations in Jackson County (2:45 – 3:05)**

- *Staff will brief the Board on the history and status of three instream flow recommendations in Jackson County on the North Fork North Platte River, South Fork Big Creek and Wheeler Creek and discuss next steps on these recommendations.*

**BREAK 3:05 – 3:20**

**31. Stream and Lake Protection Section – Instream Flow Appropriations in Water Division 6 (3:20 – 3:35)**

- *Staff will ask the Board to declare its intent to appropriate the following instream flow water right recommendations.*

DIVISION	STREAM NAME	COUNTY	RECOMMENDER
6	Government Creek (Headwaters to the Government Ditch No. 2)	Jackson	Bureau of Land Management
6	Red Creek (Boundary Routt National Forest to Confl. Willow Creek)	Routt	Bureau of Land Management

**32. Watershed and Flood Protection Section – Floodplain Rules and Regulations Update (3:35 – 3:50)**

**33. Presentation by Southeastern Colorado Water Conservancy District (3:50 – 4:00)**

**ADJOURN 4:00 PM**

**CWCB CONSENT AGENDA**  
**January 28-29, 2013**

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 rights in the following cases:*
  - a. Case No. 1-12CW214: Application of Upper South Platte Water Conservancy District and Center of Colorado Water Conservancy District
  - b. Case No. 5-12CW154: Application of Byers Peak Ranch LLLP
  
- 2. 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 for the following Recreational In-Channel Diversion (RICD) case:*
  - a. Case No. 2-2012CW107: Application to Make Absolute by Chaffee County
  
- 3. Watershed and Flood Protection Section – Floodplain Designation**
  - a. “Flood Hazard Area Delineation, Marston Lake North Drainageway” by Olsson Associates, dated July 2012
  
- 4. Finance – Changes to Existing Loans**
  - a. Town of Georgetown – Outlet Works Modification Project