

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Tim Feehan, Assistant Director
Ted Kowalski, Chief

DATE: January 18, 2013

SUBJECT: **Agenda Item 18, January 28-29, 2013 Board Meeting**
Finance/Interstate, Federal and Water Information Section
Animas-La Plata (A-LP) States Pool Allocation – Project Update

Staff Recommendation

This item is informational only and does not require Board action

Discussion

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.

The 6 month extension for SEO to retain jurisdiction was to allow the Association, District, Bureau of Reclamation (Bureau), and SEO sufficient time to develop a final water administration protocol (Protocol) for the Animas-La Plata Project (Project). All Association members, the District, and the Bureau have submitted its comments on the draft Protocol, which is currently under review by SEO. It is anticipated that SEO will provide a revised draft Protocol for final review by all participants by March 2013. The AGO, Association members, and the SEO are also working on a stipulation to accompanying the retained jurisdiction filing that would address the amount of project water that is available for pumping and direct diversions. The motion to retain jurisdiction until August of 2013 was filed by the AGO on December ??, 2012.

In conjunction with the retained jurisdiction discussions, the Association and the District have been meeting regularly to develop a Memorandum of Understanding (MOU) that develops an agreement on how the two entities will work together to fully develop the project water right held by the District. The MOU could prove to be a valuable document during the upcoming Diligence Case on the District's 600 cfs conditional water right scheduled to be heard in August of 2013.

Durango Pumping Plant Credit (DPP)

The Bureau has informed staff that they will not accept the Colorado Water Conservation Board's (CWCB) \$1.5 million credit proposal for the 46 acre deeded to the District for the DPP, without a full (yellow book) federal appraisal on the land. Staff has formally requested a Statement of Work from the Bureau to initiate the appraisal process.

Lake Nighthorse Recreation

For the past year the City of Durango (City) 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 them the ability to provide police and emergency support. Given that the land is owned by the Bureau and only operated and maintained by the Association, the Bureau will be the responsible entity in executing an annexation agreement with the City. However, all Association members have provided comments directly to the Bureau on this issue, and a formal meeting between the City and Bureau to discuss a formal annexation application should occur in the next few months.