

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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MARCH 19-20, 2013 BOARD MEETING AGENDA

A meeting of the CWCB will be held on Tuesday, March 19, 2013 commencing at 8:30 AM and continuing through Wednesday, March 20, 2013. This meeting will be held at the Ralph L. Carr Colorado Judicial Center, on the first floor in Conference Room B01230, 1300 Broadway, Denver, CO 80203. *Please enter the building from the southwest corner, at the cross streets of 13th Street and Broadway. You may want to allow yourself some extra time to pass through building security.* The CWCB is also hosting a reception for Barbara Biggs and Geoff Blakeslee on March 19, 2013 from 6:00 – 8:00 pm at the Sheraton Downtown Denver Hotel, 1550 Court Place, Tower Court D, Denver, CO 80202. Please note that CWCB Board members will be present at this event.

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/CWCBIBCCInsider.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 kate.mcintire@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 Kate McIntire at 303-866-3441, Ext. 3242. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).

BREAK **10:25 – 10:35**

11. Executive Session (10:35 – 12:00)

- a. Case No. 1-02CW292: Application of Eldorado Artesian Springs, Inc.
- b. Case No. 2-10CW017: Application of Richard Pursell
- c. Case No. 5-11CW109: Application of Vail Summit Resorts, Inc.
- d. Colorado River Issues
- e. *Tarrant Regional Water District v. Herrmann*
- f. *Texas v. New Mexico and Colorado* (Rio Grande litigation)
- g. Republican River Issues
- h. Chatfield Reservoir Reallocation Project
- i. La Plata Archuleta Water District – A-LP Purchase

LUNCH **12:00 – 1:00**

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

13. Water Supply Planning Section - WSRA Applications for Basin Funds (1:05 – 1:35)

- a. Colorado Water Institute - Agricultural Economics and Water Resources: Methods, Metrics and Models – A Specialty Workshop
- b. Grace and Shehi Ditch Owners Mr. William Grange - Grace and Shehi Diversion Rehabilitation Project
- c. Rio Grande Watershed Conservation & Education Initiative - The Rio Grande Basin "Narrowing the Gap" for Colorado's Water Future
- d. Colorado Division of Water Resources - Data Logger Installation Project
- e. Animas Consolidated Ditch Company - Animas River Diversion Headgate Monitoring Study
- f. Arkansas Groundwater Users Association - A Multi-Media Program for Reporting Crop and Turf Water Use Estimates from CoAgMet (CHANGE OF FISCAL AGENT TO EXISTING PROJECT)

14. Water Supply Planning Section - WSRA Applications for Statewide and Basin Funds (1:35 – 3:00)

- a. Southeastern Colorado Water Conservancy District - Arkansas River Basin Study
- b. Fountain Creek Watershed Flood Control and Greenway District - Fountain Creek Bank Restoration at the Frost Ranch
- c. Lake Fork Water Conservancy District - Henson Creek and Lake Fork Confluence Channel Improvement
- d. Colorado Open Lands - Lake San Cristobal Inlet Preservation and Fishing Access
- e. The Mogote-Northeastern Consolidated Ditch Company - Quantifying Mogote/Romero Flows & Effects on the Conejos System
- f. La Acequia del Cerro (The Cerro Ditch Company) - Rehabilitation and Ditch Lining
- g. Sangre de Christo Acequia Association - Culebra Watershed Vallejos Ditch Headgate Replacement
- h. Ducks Unlimited, Inc. - Prewitt Reservoir Wetland Partnership
- i. Routt County Conservation District - Armstrong Creek Restoration

BREAK **3:00 – 3:15**

15. Finance – Severance Tax Operational Account Grants (3:15 – 3:45)

16. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account (3:45 – 3:50)

- a. Projections and Cash Balance Report

17. Finance / Water Supply Planning – CWCB Loan and WSRA Applications (3:50 – 4:20)

- a. Ordway Feedyard, LLC (LOAN), Crowley County (GRANT) - Ordway Feedyard Raw Water Line Extension Project
- b. Santa Maria Reservoir Company - Santa Maria Reservoir Siphon & Canal System Rehabilitation
- c. Town of Ridgway - Lake Otonowanda Renovation Project (CHANGE OF SCOPE TO EXISTING PROJECT)

18. Finance – New Water Project Loans (4:20 – 4:30)

- a. San Luis Valley Water Conservancy District – Anaconda Ditch Water Right Acquisition Project

19. Water Supply Planning Section - Castle Pines Metropolitan District Conservation Grant Update (4:30 – 4:45)

RECESS 4:45 PM

WEDNESDAY, MARCH 20, 2013

CWCB Call to Order 8:30 AM

20. 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

21. General Legislative Update (9:30 – 10:00)

BREAK 10:00 – 10:30

22. Water Supply Planning Section – Statewide Drought Update and Response (10:30 – 11:15)

23. Water Supply Planning Section – Non-consumptive Toolbox Presentation (11:15 – 12:00)

LUNCH 12:00 – 1:00

24. Water Supply Planning Section – State Water Planning Presentations by Texas and California (1:00 – 2:30)

25. Finance / Interstate & Federal Section – Animas-La Plata (A-LP) Project Update (2:30 – 3:00)

BREAK 3:00 – 3:15

26. Finance and Administration Section – Department of Natural Resources Strategic Operational Plan (3:15 – 3:25)

27. Watershed and Flood Protection Section – Southwest Metro Water and Sanitation District, Request for Temporary Access to CWCB Parcels during A-Line Interceptor Rehabilitation (3:25 – 3:35)

28. Stream and Lake Protection Section – 2013 New Instream Flow Appropriations (3:35 – 3:45)

- *The Board will take public comment on the following 2 instream flow water right appropriations pursuant to ISF Rule 5c. The Board declared its intent to appropriate these water rights at its January 29, 2013 meeting.*

Div	Stream	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
6	Government Creek	Jackson	5.03	Headwaters	Government Ditch No. 2	0.5 (10/1-4/30) 3.6 (5/1-7/31) 1.0 (8/1-9/30)
6	Red Creek	Routt	4.01	USFS Boundary	Confl. Willow Creek	1.85 (4/1-7/15) 0.7 (7/16-3/31)

29. Stream and Lake Protection Section – Instream Flow Appropriation Recommendations for 2014 (3:45 – 4:00)

- *Pursuant to ISF Rule 5a., Staff is providing notice of recommendations received for potential instream flow appropriations in 2014. Staff will provide a summary of the recommendations received (listed below) or renewed at the January 30, 2013 ISF Workshop. At the January 2014 CWCB meeting, staff may request that the Board form its intent to appropriate instream flow water rights on the recommended streams.*

WATER DIV.	STREAM NAME	STAKEHOLDER RECOMMENDATION	COUNTY
4	Hot Springs Creek (ISF Increase) (<i>Confl. Spring Creek to Confl. LL Bush Ditch #4</i>)	BLM	Gunnison
4	Oh-Be-Joyful Creek (ISF Increase) (<i>Confl. Unnamed Tributary to Confl. Slate River</i>)	BLM	Gunnison
4	Slate River (ISF Increase) (<i>Confl. Poverty Gulch to Confl. Oh-Be-Joyful Creek</i>)	BLM	Gunnison
4	Slate River (ISF Increase) (<i>Confl. Oh-Be-Joyful Creek to Confl. Coal Creek</i>)	BLM	Gunnison
4	East Creek (<i>Confl. North Fork East Creek to Confl. Gunnison River</i>)	BLM	Mesa
4	Dolores River (<i>Confl. San Miguel River to Confl. West Creek</i>)	BLM	Mesa, Montrose
5	Dry Fork Roan Creek (<i>Confl. North Dry Fork Creek & South Dry Fork Creek to Confl. Roan Creek</i>)	BLM	Garfield
5	East Fork Parachute Creek (<i>Confl. Bull Gulch to Confl. Ben Good Creek</i>)	BLM	Garfield
5	Left Fork Carr Creek (<i>Headwaters to Franklin No. 2 Ditch Headgate</i>)	BLM	Garfield

30. Stream and Lake Protection Section – Proposed Acquisition of Contractual Interest in Water on the Florida River (4:00 – 4:20)

- *Staff will present for the Board’s consideration a proposed water delivery agreement with the Edgemont Ranch Metropolitan District for instream flow use on the Florida 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.*

31. Stream and Lake Protection Section — Proposed Expenditures for Initial Costs of Water Acquisitions for Instream Flow Use (4:20 – 4:30)

ADJOURN 4:30 PM

CWCB CONSENT AGENDA
March 19-20, 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. Finance – Recommended Prequalified Projects

2. Watershed and Flood Protection Section – Floodplain Designation

- a. "Flood Hazard Area Delineation, Sand Creek, Colfax to Yale" by Matrix Design Group, dated October 2012.

3. Stream and Lake Protection Section – Statements of Opposition

- a. Case No. 1-12CW303: Application of The City of Black Hawk
- b. Case No. 2-12CW124: Application of Climax Molybdenum Company
- c. Case No. 2-12CW125: Application of the U.S. Bureau of Land Management and Park Center Water District
- d. Case No. 4-12CW143: Application of Ronald E. Tipping, Marie E. Tipping, William R. Patterson and Rodney C. Power
- e. Case No. 4-12CW151: Application of Mountain Coal Company, LLC
- f. Case No. 4-12CW155: Application of Wayne Meredith and Ina Kristine Kapushion
- g. Case No. 5-12CW175: Application of Snake River Water District
- h. Case No. 5-12CW176: Application of Climax Molybdenum Company
- i. Case No. 5-12CW177: Application of Exxon Mobil Corporation
- j. Case No. 5-12CW179: Application of Triple M Ranch Holdings, LLC
- k. Case No. 5-12CW180: Application of Triple M Ranch Holdings, LLC
- l. Case No. 5-12CW184: Application of Wildcat Reservoir Company
- m. Case No. 5-12CW185: Application of Town of Carbondale
- n. Case No. 5-12CW186: Application of James R. Donnelley
- o. Case No. 5-12CW188: Application of C Lazy U Ranch Holdings, LLC
- p. Case No. 5-12CW192: Application of Deerfield Investments, LTD
- q. Case No. 5-12CW193: Application of Thomas P. Danis and Lucy L. Danis