

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

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### MAY 14-15, 2013 BOARD MEETING AGENDA

A meeting of the CWCB will be held on Tuesday, May 14, 2013 commencing at 8:00 AM and continuing through Wednesday, May 15, 2013. This meeting will be held in Grand Junction at the Ute Water Conservancy District offices located at 2190 H 1/4 Road, Grand Junction, CO, 81505. Several Board members will also participate in a bus tour of the Grand Valley Salinity Control Project beginning directly after the regular meeting adjourns at 2:00 pm on Wednesday, May 15, 2013.

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](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 [kate.mcintire@state.co.us](mailto: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).

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John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

**TUESDAY, MAY 14, 2013**

**CWCB Call to Order 8:00 AM**

- 1. Swearing in of Directors (8:00 – 8:05)**
- 2. Review and Approval of Agenda (8:05 – 8:07)**
- 3. Review and Approval of Meeting Minutes – March 19-20, 2013 Board Meeting and April 18, 2013 Special Executive Session (8:07 – 8:10)**
- 4. Approve and/or Remove Items from Consent Agenda (8:10 – 8:12)**
- 5. Future Board Meeting Dates in 2013 (8:12 – 8:15)**
  - *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. July 16-17 Alamosa
  - b. Sept 24-25 Telluride
  - c. Nov 19-20 Denver
- 6. Directors' Reports (8:15 – 9:10)**
  - 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
- 7. Interstate, Federal, and Water Information Section – Litigation Account (9:10 – 9:30)**
  - a. Request for Utilization of Litigation Account – Colorado River
  - b. Request for Utilization of Litigation Account – Republican River
- 8. Interstate, Federal, and Water Information Section – Colorado River Demand Depletion Projections (9:30 – 9:45)**
- 9. Finance/Interstate & Federal Section – Animas-La Plata (A-LP) Update (9:45 – 9:55)**
- 10. Stream and Lake Protection Section – 2013 New Instream Flow Appropriations (9:55 – 10:05)**
  - *Staff will ask the Board to take final action on these uncontested instream flow water right appropriations pursuant to ISF Rule 5h. 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)

**11. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 2-08CW106, Application of Upper Arkansas Water Conservancy District (10:05 – 10:15)**

- *Pursuant to ISF Rule 8j., Staff will seek authorization to proceed to trial in this water court case.*

**12. Attorney General's Report, Legal Briefing and Executive Session (10:15 – 10:20)**

- *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.*

**BREAK 10:20 – 10:30**

**13. Executive Session (10:30 – 12:00)**

- a. Case No. 2-08CW106: Application of Upper Arkansas Water Conservancy District
- b. Case No. 1-02CW292: Application of Eldorado Artesian Springs, Inc.
- c. Colorado River Issues – Status of Navajo Settlement, Long Term Experimental Management Plan (LTEMP), and Colorado River Studies
- d. Republican River Issues – Current Litigation, Nebraska Arbitrations, and Colorado's Proposals to the RRCA
- e. Rio Grande River Issues – TX v. NM and CO, No. 141 Original United States Supreme Court, and ESA Issues
- f. *Tarrant Regional Water District v. Herrmann*
- g. Chatfield Reservoir Reallocation Project
- h. La Plata Archuleta Water District – A-LP Water Lease-Purchase Offer

**LUNCH 12:00 – 1:00**

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

**15. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account (1:05 – 1:25)**

- a. New Interest Rates for Fiscal Year 2013/2014
- b. Projections and Cash Balance Report

**16. Finance – New Water Project Loans (1:25 – 2:35)**

- a. Missouri Heights – Meadow Mountain Irrigation Company – Irrigation Ditch Lining Project
- b. Boxelder Basin Regional Stormwater Authority – Larimer and Weld Canal Crossing Structure Project
- c. Boxelder Basin Regional Stormwater Authority – East Side Detention Facility Project
- d. Grand Mesa Water Conservancy District – Peak Reservoir and Blanche Park Reservoir Rehabilitation Project
- e. Two Rivers Water and Farming Company – Arkansas Storage Facility Project

**17. Watershed and Flood Protection Section – Precipitation Frequency Atlas (2:35 – 3:00)**

**BREAK 3:00 – 3:10**

**18. Stream and Lake Protection Section – Proposed Acquisition of Contractual Interest in Water on the Florida River (3:10 – 3:25)**

- *Staff will ask the Board to approve a proposed water delivery agreement with the Edgemont Ranch Metropolitan District for instream flow use on the Florida River.*

**19. Stream and Lake Protection Section – Injury with Mitigation Proposal – Case No. 1-02CW292 - Application of Eldorado Artesian Springs, Inc. (3:25 – 3:45)**

- *Pursuant to ISF Rule 8i.(3), the Board will be asked to conduct a preliminary review of this injury with mitigation proposal to determine whether the proposed mitigation will enable the Board to continue to preserve the natural environment of South Boulder Creek to a reasonable degree given the impacts of this water court application. This is the first of two required meetings for the Board to approve an Injury with Mitigation proposal.*

**20. Stream and Lake Protection Section — Request for Water 2013 Update (3:45 – 3:55)**

**21. Interstate, Federal, and Water Information Section – Wild and Scenic Update Including Presentation by the Upper Colorado River Wild and Scenic Stakeholder Group (3:55 – 4:15)**

**22. Interstate, Federal, and Water Information Section – Bureau of Land Management (BLM)’s Grand Junction Field Office (GFO) Recommendation on Suitability to Include a Portion of the Dolores River in the National Wild and Scenic Rivers System (NWSRS) (4:15 – 5:00)**

**RECESS                      5:00 PM**

**WEDNESDAY, MAY 15, 2013**

**CWCB Call to Order              8:00 AM**

**23. Basin Directors’ Reports (8:00 – 9:00)**

- 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

**24. Interstate, Federal, and Water Information Section – Colorado River Water Bank Presentation (9:00 – 9:15)**

**25. Water Supply Planning Section – Water Supply Reserve Account (WSRA) Basin Account Applications (9:15 – 9:25)**

- a. Mutual Ditch - Structure for Water Control
- b. Drip Irrigation Field Trial for Sustainable Potato Cropping in the San Luis Valley

**26. Water Supply Planning Section – Colorado Foundation for Water Education (CFWE)  
Annual Report and Fiscal Year 2014 Scope of Work Review (9:25 – 9:45)**

**27. Water Supply Planning Section – Drought Update and Response (9:45 – 10:00)**

**BREAK 10:00 – 10:10**

**28. Interstate, Federal, and Water Information Section – CRWAS Phase II Scoping Update  
(10:10 – 10:20)**

- *The Staff will update the Board on the CRWAS Phase II Scoping reports and seek Board input.*

**29. Water Supply Planning Section – Colorado State Water Plan / Statewide Water Supply Initiative (SWSI) / Basin Implementation Discussion (10:20 – 12:00)**

**LUNCH 12:00 – 1:00**

**30. Water Supply Planning Section – Alternatives to Agricultural Water Transfer Methods (ATM) Grant Requests (1:00 – 1:45)**

- a. Use of ATMs to Increase Supplies for Conejos Basin Agricultural, Municipal and Environmental Purposes
- b. Implementation of Deficit Irrigation Regimes: Demonstration and Outreach
- c. Poudre Basin Water Sharing Working Group Efforts Leading to Agreements South Platte Basin
- d. Defining Water Rights in Terms of Consumptive Use to Facilitate Water Transfers
- e. FLEX Water Market--Education and Implementation Phase
- f. Compact Water Bank Feasibility Study
- g. Northeast Colorado Water Cooperative Implementation Project
- h. Colorado Water Central Exchange

**31. Interstate, Federal, and Water Information Section – Update on the Colorado River Basin Salinity Control Program and the Gunnison Selenium Management Program (1:45 – 2:00)**

**ADJOURN 2:00 PM**

**CWCB CONSENT AGENDA**  
**May 14-15, 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. Stream and Lake Protection Section – Statements of Opposition**

- a. Case No. 3-13CW3002: Application of Santa Maria Reservoir Company
- b. Case No. 4-13CW004: Application of Sleeping Indian Ranch, Inc.
- c. Case No. 5-13CW012: Application of Grand Lake Metropolitan Recreation District