

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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DRAFT

SUMMARY MINUTES AND RECORD OF DECISIONS MARCH 19-20, 2013

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at the Ralph L. Carr Colorado Judicial Center, 1300 Broadway, Denver, CO 80203. The meeting was called to order by Chair John McClow. Eight voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: John McClow, Russell George, April Montgomery, Ty Wattenberg, Alan Hamel, Travis Smith, Diane Hoppe, and Mike King. Board members Jay Gallagher and Patti Wells were present at the call to order, although unable to vote for the duration of the meeting due to the meeting taking place prior to their Senate Confirmations and completion of their Oaths of Office. Non-voting *ex officio* members present or represented were John Salazar, Commissioner of Agriculture; Dick Wolfe, State Engineer; Rick Cables, Director, Colorado Parks and Wildlife; Casey Shpall, Deputy Attorney General for Natural Resources; and Jennifer Gimbel, CWCB Director. Also present were Ginny Brannon, Assistant Director for Energy and Minerals; and John Stulp, Special Policy Advisor to the Governor for Water.

On the second day, the meeting was called to order by Chair Alan Hamel. Seven voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: John McClow, Russell George, April Montgomery, Ty Wattenberg, Alan Hamel, Travis Smith, and Diane Hoppe. Jay Gallagher and Patti Wells were present at the call to order, although unable to vote for the duration of the meeting due to the meeting taking place prior to their Senate Confirmations and completion of their Oaths of Office. Non-voting *ex officio* members present or represented were Dick Wolfe, State Engineer; Casey Shpall, Deputy Attorney General for Natural Resources; and Jennifer Gimbel, CWCB Director. Also present were Ginny Brannon, Assistant Director for Energy and Minerals; and John Stulp, Special Policy Advisor to the Governor for Water.

Note: While the Board's consideration of agenda items does not always follow the sequence indicated by the agenda numbers, these minutes are listed in agenda item order for easier reference.

TUESDAY, MARCH 19, 2013

CWCB Call to Order 8:30 AM

1. Election of Officers

Action: Travis Smith made a motion to elect Alan Hamel as Chair of the Colorado Water Conservation Board, by acclamation. The motion was approved unanimously (8-0). Travis Smith made a motion to elect April Montgomery as Vice Chair of the Colorado Water Conservation Board, by acclamation. The motion was approved unanimously (8-0).

2. Review and Approval of Agenda

Action: Director Hamel informed the Board that items 8, 9, and 14f would be removed from the agenda. Ty Wattenberg made a motion to approve the agenda as amended, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

3. Review and Approval of Meeting Minutes – January 28-29, 2013 Board Meeting and February 20, 2013 Special Board Meeting

Action: April Montgomery made a motion to approve the January 28-29, 2013 and February 20, 2013 Board Meeting minutes, which was seconded by Travis Smith. The motion was approved unanimously (8-0).

4. Approve and/or Remove Items from Consent Agenda

Action: Travis Smith made a motion to accept the consent agenda, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0). John McClow made a motion to remove item 3e from the consent agenda and add it to the regular agenda as item 32, which was seconded by Ty Wattenberg. The motion was approved unanimously (8-0).

CWCB 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

5. Future Board Meeting Dates

- | | |
|---------------|-----------------|
| a. May 14-15 | Grand Junction |
| b. July 16-17 | San Luis Valley |
| c. Sept 24-25 | Telluride |
| d. Nov 19-20 | Denver |

Action: This was an informational item only. No Board action was required.

6. Directors' Reports

- a. DNR Executive Director

Action: Report by Mike King. This was an informational item only. No Board action was required.

- b. IBCC Director

Action: Report by John Stulp. This was an informational item only. No Board action was required.

- c. Agriculture Commissioner

Action: Report by John Salazar. This was an informational item only. No Board action was required.

- d. CWCB Director

Action: Report by Jennifer Gimbel. This was an informational item only. No Board action was required.

- e. State Engineer

Action: Report by Dick Wolfe. This was an informational item only. No Board action was required.

f. Division of Parks and Wildlife

Action: Report by Rick Cables. This was an informational item only. No Board action was required.

g. Water Resource and Power Development Authority.

Action: Report by Mike Brod. This was an informational item only. No Board action was required.

7. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 1-02CW292: Application of Eldorado Artesian Springs, Inc.

Action: Presentation by Kaylea White. A motion was made by Travis Smith to approve staff recommendation, which was seconded by April Montgomery. The motion was approved unanimously (8-0).

Staff Recommendation: Pursuant to ISF Rule 8j., Staff recommends that the Board authorize Staff to proceed to trial to protect its instream flow water rights in the event that Staff and the Attorney General’s Office are unable to reach a settlement with the Applicant.

8. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 2-10CW017: Application of Richard Pursell

Action: This agenda item was removed from the agenda and therefore no action was taken.

9. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 5-11CW109: Application of Vail Summit Resorts, Inc.

Action: This agenda item was removed from the agenda and therefore no action was taken.

10. Attorney General’s Report, Legal Briefing and Executive Session

Action: Presentation by Casey Shpall. This was an informational item only. No Board action was required.

11. Executive Session

Action: Travis Smith made a motion for the Board to go into executive session for discussion of agenda items 11a, and 11d-11i, which was seconded by Ty Wattenberg. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

- 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

Ty Wattenberg made a motion for the Board to leave executive session, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

12. Report from Executive Session

Action: Deputy Attorney General Casey Shpall reported that the Board went into Executive Session, pursuant to C.R.S. Section 24-6-402(3)(a)(II) for discussion of Agenda Items 11a, and 11d-11i, and that the discussion was limited to those items only, with no action taken.

Action: John McClow made a motion to authorize staff to file a motion to intervene in the Navajo Colorado River Indian Rights Settlement Litigation, which was seconded by Russell George. The motion was approved unanimously (8-0).

13. Water Supply Planning Section - WSRA Applications for Basin Funds

a. Colorado Water Institute - Agricultural Economics and Water Resources: Methods, Metrics and Models – A Specialty Workshop

Action: Presentation by Greg Johnson, with Todd Doherty. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$9,746 from the Arkansas Basin Account to fund the 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

Action: Presentation by Jacob Bornstein. A motion was made by John McClow to approve amended staff recommendation, which was seconded by Russell George. The motion was approved unanimously (8-0).

Amended Staff Recommendation: Staff recommends approval of \$40,500 from the Colorado Basin Account to 1) determine which alternative best meets the identified goals of the application and 2) conduct project design, conditional upon continuing to invite all ditch water rights holders to review preliminary reports.

c. Rio Grande Watershed Conservation & Education Initiative - The Rio Grande Basin "Narrowing the Gap" for Colorado's Water Future

Action: Presentation by Jacob Bornstein. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of the applicant's request of \$23,500 from the Rio Grande Basin Account for the purposes of roundtable and IBCC related education and

outreach, on the condition that the applicant works with staff to clarify some aspects of the scope of work related to the “Value of Water” and water leaders.

d. Colorado Division of Water Resources - Data Logger Installation Project

Action: Presentation by Greg Johnson. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$89,205 from the South Platte Basin Account to help complete the project titled: Data Logger Installation Project, South Platte River Basin.

e. Animas Consolidated Ditch Company - Animas River Diversion Headgate Monitoring Study

Action: Presentation by Jacob Bornstein. A motion was made by April Montgomery to approve staff recommendation, which was seconded by John McClow. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$14,500 from the Southwest Basin Account for the purposes of monitoring headcutting impacts.

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)

Action: Presentation by Todd Doherty. A motion was made by Ty Wattenberg to approve the staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (8-0).

Staff Recommendation: Change fiscal agent from the Sangre de Cristo Resource Development to the Arkansas Groundwater Users Association.

14. Water Supply Planning Section -WSRA Applications for Statewide and Basin Funds

a. Southeastern Colorado Water Conservancy District - Arkansas River Basin Study

Action: Presentation by Todd Doherty, with Jim Broderick, Executive Director, Southeastern Water Conservation District and Vice President, Arkansas Basin Roundtable. A motion was made by John McClow to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$59,600 from the Arkansas Basin Account and \$238,400 from the Statewide Account to fund the Arkansas River Basin Study. This approval is contingent upon the applicant addressing the issues identified in the Issues/Additional Needs detailed in the summary sheet included within the related Board memo.

b. Fountain Creek Watershed Flood Control and Greenway District - Fountain Creek Bank Restoration at the Frost Ranch

Action: Presentation by Chris Sturm. A motion was made by Travis Smith to approve the staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval, upon the condition of addressing concerns specified in the Issues/Additional Needs section of the Board memo, of up to \$30,000 from the Arkansas Basin Account and \$75,000 from the Statewide Account to help fund the Fountain Creek Bank Restoration at the Frost Ranch.

c. Lake Fork Water Conservancy District - Henson Creek and Lake Fork Confluence Channel Improvement

Action: Presentation by Chris Sturm. Jennifer Bock, Water Director, High Country Citizen's Alliance and Member, Gunnison Basin Roundtable, also addressed the Board. A motion was made by John McClow to approve staff recommendation, which was seconded by April Montgomery. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval, upon the condition of addressing concerns specified in the Issues/Additional Needs section of the related Board memo, of up to \$28,975 from the Gunnison Basin Account and \$260,111 from the Statewide Account to help fund the Henson Creek and Lake Fork Confluence Channel Improvement Project.

d. Colorado Open Lands - Lake San Cristobal Inlet Preservation and Fishing Access

Action: Presentation by Todd Doherty, with Dieter Erdmann, Director of Conservation Operations, Colorado Open Lands. A motion was made by John McClow to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$16,700 from the Gunnison Basin Account and \$150,300 from the Statewide Account to fund the Lake San Cristobal Inlet Preservation and Fishing Access Project.

e. The Mogote-Northeastern Consolidated Ditch Company - Quantifying Mogote/Romero Flows & Effects on the Conejos System

Action: Presentation by Greg Johnson. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$16,700 from the Rio Grande Basin Account and \$268,300 from the Statewide Account to help complete the project titled: Quantifying Mogote/Romero Flows & Effects on the Conejos System.

f. La Acequia del Cerro (The Cerro Ditch Company) - Rehabilitation and Ditch Lining

Action: This agenda item was removed from the agenda and therefore no action was taken.

- g. Sangre de Christo Acequia Association - Culebra Watershed Vallejos Ditch Headgate Replacement

Action: Presentation by Greg Johnson. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$10,000 from the Rio Grande Basin Account and \$90,000 from the Statewide Account to help complete Culebra Watershed Vallejos Ditch Headgate Replacement Project.

- h. Ducks Unlimited, Inc. - Prewitt Reservoir Wetland Partnership

Action: Presentation by Todd Doherty. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$45,414 from the South Platte Basin Account and \$45,414 from the Statewide Account to fund the Prewitt Reservoir Wetland Partnership project.

- i. Routt County Conservation District - Armstrong Creek Restoration

Action: Presentation by Chris Sturm. A motion was made by Russell George to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval, upon the condition of addressing concerns specified in the Issues/Additional Needs section of the related Board memo, of up to \$15,000 from the Yampa/White Basin Account and \$35,000 from the Statewide Account to help fund the Armstrong Creek Restoration Project.

15. Finance – Severance Tax Operational Account Grants

Action: Presentation by Tim Feehan, with Steve Biondo, Chris Sturm, Jeffrey Baessler, Ted Kowalski, Don Ament, former Colorado Agriculture Commissioner, and Reagan Waskom, Director, Colorado Water Institute and CSU Water Center. A motion was made by Ty Wattenberg to approve funding for Project Item 31 (Post-fire and Sediment Response to Geomorphic Based Restoration), listed in the related Board memo, in the amount of \$50,000, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Action: A motion was made by Diane Hoppe to approve staff's amended recommendation which was seconded by Travis Smith. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Amended Staff Recommendation: Staff recommends that the Board approve the proposed funding for each of the recommended projects numbered 1 – 26 from the Operational Account of the Severance Tax Trust Fund as summarized in Table 1 of the related Board memo, with changes to the memo noted below.

1. Increase funding for Project Item 1 (Colorado River Tour for Colorado Basin State Leaders) to \$30,000
2. Increase funding for Project Item 6 (Republican River Basin Instrumentation) to \$30,000
3. Decrease funding for Project Item 7 (Regional Real-Time Monitoring of Oil and Gas Operations) to \$200,000
4. Increase funding for Project Item 8 (Extreme Precipitation Analysis Tool Software Verification Project, Phase 2) to \$95,000
5. Increase funding for Project Item 17 (Colorado Dust on Snow Program) to \$50,000
6. Increase funding for Project Item 19 (Water Efficiency Planning Workshops) to \$50,000

16. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account

- a. Cash Balance Report

Action: Presentation by Kirk Russell. This was an informational item only. No Board action was required.

17. Finance / Water Supply Planning – CWCB Loan and WSRA Applications

- a. Ordway Feedyard, LLC (LOAN), Crowley County (GRANT) - Ordway Feedyard Raw Water Line Extension Project

Action: Presentation by Anna Mauss. A motion was made by Travis Smith to approve staff recommendation on the WSRA Grant, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for WSRA Grant: Staff recommends approval of \$225,000 from the Statewide Account and \$50,000 from the Arkansas Basin Account to Crowley County to fund the Ordway Feedyard Raw Water Line Extension Project.

Action: Presentation by Anna Mauss, with Tyler Karney, Ordway Cattle Feeders. A motion was made by Travis Smith to approve staff recommendation on the Construction Fund Loan, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for Construction Fund Loan: Staff recommends the Board approve a loan, from the Construction Fund, not to exceed \$2,525,000 (\$2,500,000 for Project costs and \$25,000 for the 1% Loan Service Fee) to the Ordway Feedyard, LLC for the Ordway Feedyard Raw Water Line Extension Project. The loan terms shall be 30 years at the agricultural interest rate of 1.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

- b. Santa Maria Reservoir Company - Santa Maria Siphon & Canal System Rehabilitation

Action: Presentation by Anna Mauss. A motion was made by Travis Smith to approve staff recommendation on the WSRA Grant, which was seconded by Ty Wattenberg. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for WSRA Grant: Staff recommends approval of up to \$440,750 from the Statewide Account and \$23,000 from the Rio Grande Basin Account to the Santa Maria Reservoir Company to fund the Santa Maria Siphon and Canal System Rehabilitation Project.

Action: Presentation by Anna Mauss. A motion was made by Travis Smith to approve staff recommendation on the Construction Fund Loan, which was seconded by John McClow. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for Construction Fund Loan: Staff recommends the Board approve a loan, from the Construction Fund, not to exceed \$1,405,163 (\$1,391,250 for project costs and \$13,913 for the 1% Loan Service Fee) to the Santa Maria Reservoir Company for the Santa Maria Siphon and Canal System Rehabilitation Project. The loan terms shall be 30 years at the agricultural rate of 1.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

c. Town of Ridgway - Lake Otonowanda Renovation Project (CHANGE OF SCOPE TO EXISTING PROJECT)

Action: Presentation by Kirk Russell. A motion was made by John McClow to approve staff recommendations regarding the change of scope to existing project, which was seconded by April Montgomery. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for WSRA Grant: Staff recommends the Board approve a change to the Scope of Work to include acquisition of property for the Renovation of Lake Otonowanda. The WSRA Grant previously approved for this Project amount shall remain at \$600,000.

Staff Recommendation for Construction Fund Loan: Staff recommends the Board approve a change to the Scope of Work to include acquisition of property for the Renovation of Lake Otonowanda. The Loan terms of \$606,000 (\$600,000 for Project costs and \$6,000 for the service fee) for 30 years at 3.0% per annum from the Construction Fund shall remain.

18. Finance – New Water Project Loans

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

Action: Presentation by Anna Mauss. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

Staff Recommendation for Construction Fund Loan: Staff recommends the Board approve a loan not to exceed \$839,000 (\$830,700 for project costs and \$8,300 for the 1% Loan Service Fee) to the San Luis Valley Water Conservancy District Water Activity Enterprise for the Water Rights Acquisition Project from the Construction Fund. The loan terms shall be 30 years at the

municipal low income rate of 2.5% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

19. Water Supply Planning Section – Castle Pines Metropolitan District Conservation

Action: Presentation by Kevin Reidy, with Emily Coll, Castle Pines Metropolitan District, and Charlie Whiteside, American Conservation and Billing Solutions. This was an informational item only. No Board action was required.

RECESS

WEDNESDAY, MARCH 20, 2013

CWCB Call to Order 8:30 AM

20. Basin Directors' Reports

- a. Colorado River (Mainstem) Basin Director's Report - Russell George reporting, with Ted Kowalski.

Action: This was an informational item only. No Board action was required.

- b. San Juan/San Miguel-Dolores River Basin Director's Report – April Montgomery reporting.

Action: This was an informational item only. No Board action was required.

- c. Gunnison River Basin Director's Report – John McClow reporting, with Eric Kuhn, General Manager, Colorado River Water Conservation District.

Action: This was an informational item only. No Board action was required.

- d. North Platte River Basin Director's Report – Ty Wattenberg reporting.

Action: This was an informational item only. No Board action was required.

- e. South Platte River Basin Director's Report – Diane Hoppe reporting.

Action: This was an informational item only. No Board action was required.

- f. Arkansas River Basin Director's Report – Alan Hamel reporting.

Action: This was an informational item only. No Board action was required.

- g. City and County of Denver Director's Report – Patti Wells reporting.

Action: This was an informational item only. No Board action was required.

- h. Rio Grande River Basin Director's Report – Travis Smith reporting.

Action: This was an informational item only. No Board action was required.

- i. Yampa – White River Basin Director’s Report – Jay Gallagher reporting.

Action: This was an informational item only. No Board action was required.

21. General Legislative Update

Action: Presentation by Jennifer Gimbel, with Peter Nichols, Special Water Counsel, Lower Arkansas Valley Water Conservancy District, Jay Winner, Executive Director, Lower Arkansas Valley Water Conservancy District, and Lee Miller, General Counsel, Southeastern Colorado Water Conservancy District. Travis Smith made a motion to support the effort and concept of House Bill 13-1248, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0).

22. Water Supply Planning Section – Statewide Drought Update and Response

Action: Presentation by Taryn Finnessey, with Kevin Houck, and Klaus Wolter, University of Colorado and NOAA Earth Systems Research Lab. This was an informational item only. No Board action was required.

23. Water Supply Planning Section – Non-consumptive Toolbox Presentation

Action: Presentation by Jacob Bornstein, with Linda Bassi. April Montgomery made a motion to approve staff recommendation as amended, which was seconded by John McClow. The motion was approved unanimously (7-0).

Amended Staff Recommendation: Open a sixty (60) day public review period for the Nonconsumptive Toolbox upon completion of the CWCB board meeting, including a requirement that staff members be available to offer assistance to the Roundtables if they request it.

24. Water Supply Planning Section – State Water Planning Presentations by Texas and California

Action: Presentation by Rebecca Mitchell, with Bill Mullican, State Planning / Texas Water Development Board, and Gary Bardini, Deputy Director, California Department of Water Resources. This was an informational item only. No Board action was required.

25. Finance / Interstate & Federal Section – Animas-La Plata (A-LP) Project Update

Action: Presentation by Tim Feehan. This was an informational item only. No Board action was required.

26. Finance and Administration Section – Department of Natural Resources Strategic Operational Plan

Action: Presentation by Tina Heltzel. This was an informational item only. No Board action was required.

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

Action: Presentation by Joe Busto, with David Vidikan, Jacobs Engineering Group Inc. A motion was made by Ty Wattenberg to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (7-0).

Staff Recommendation: Staff recommends the Board approve the request by Southwest Metropolitan W&S District and direct Staff and the AGO to draft a temporary access agreement for signature by the Director Gimbel. Staff also recommends the Board approve an easement fee of \$500 based on Method III of the Easement Guidelines.

28. Stream and Lake Protection Section – 2013 New Instream Flow Appropriations

Action: Presentation by Jeffrey Baessler. This was an informational item only. No Board action was required.

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

Action: Introduction by Jeffrey Baessler. Jeffrey Baessler noted the following correction to the first paragraph within the related Board memo: Staff is providing notice that 38 stream segments have been recommended for instream flow appropriations in 2014, including 9 new recommendations and 29 recommendations that were received in previous years. This was an informational item only. No Board action was required.

WATER DIV.	STREAM NAME	STAKEHOLDER RECOMMENDATION	COUNTY
4	Hot Springs Creek (ISF Increase) (Confl. Spring Creek to Confl. LL Bush Ditch #4)	BLM	Gunnison
4	Oh-Be-Joyful Creek (ISF Increase) (Confl. Unnamed Tributary to Confl. Slate River)	BLM	Gunnison
4	Slate River (ISF Increase) (Confl. Poverty Gulch to Confl. Oh-Be-Joyful Creek)	BLM	Gunnison
4	Slate River (ISF Increase) (Confl. Oh-Be-Joyful Creek to Confl. Coal Creek)	BLM	Gunnison
4	East Creek (Confl. North Fork East Creek to Confl. Gunnison River)	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

Action: Presentation by Kaylea White, with Jay Skinner, Water Resources Unit Manager, Colorado Parks and Wildlife. This was an informational item only. No Board action was required.

31. Stream and Lake Protection Section — Proposed Expenditures for Initial Costs of Water Acquisitions for Instream Flow Use

Action: Presentation by Linda Bassi. A motion was made by April Montgomery to approve staff recommendation, which was seconded by John McClow. The motion was approved unanimously (7-0).

Staff Recommendation: Staff recommends that the Board authorize it to initiate a selection process to contract with an entity for conducting technical analyses and performing other tasks necessary for evaluating proposed acquisitions of water for instream flow use and monitoring the use of acquired water. The contract would be for a term of five years for an amount not to exceed \$500,000, and would be funded from the Construction Fund as authorized by section 37-60-123.7, C.R.S. (2012).

32. Stream and Lake Protection Section — Statement of Opposition for Case No. 4-12CW151: Application of Mountain Coal Company, LLC

Action: Presentation by Kaylea White. A motion was made by John McClow to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (7-0).

Staff Recommendation: Staff recommends ratification of the statement of opposition for Case No. 4-12CW151: Application of Mountain Coal Company, LLC.

ADJOURN

A motion was made by Russell George to adjourn the March 2013 Board meeting, which was seconded by John McClow. The motion was approved unanimously (7-0).