

# STATE OF COLORADO

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## Colorado Water Conservation Board Department of Natural Resources

1580 Logan Street, Suite 600  
Denver, Colorado 80203  
Phone: (303) 866-3441  
Fax: (303) 894-2578  
www.cwcb.state.co.us



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FINAL AND APPROVED  
SUMMARY MINUTES AND RECORD OF DECISIONS  
MAY 14-15, 2013

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John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

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A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at the Ute Water Conservancy District offices located at 2190 H 1/4 Road, Grand Junction, CO, 81505. The meeting was called to order by Chair Alan Hamel. Nine 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, Patricia Wells, and Mike King. 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; Cindy Lair, State Conservation Program Manager, Colorado Department of Agriculture; Chad Bishop, Mammals Research Section Leader, Colorado Parks and Wildlife; 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. 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. 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. Voting member Patricia Wells was present by conference call between 10:15 am and 12:00 pm.

*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, MAY 14, 2013**

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

**1. Swearing In of Directors**

**Action:** Board Members Russell George and Patricia Wells were formally sworn in as Board Members of the Colorado Water Conservation Board.

**2. Review and Approval of Agenda**

**Action:** Director Hamel informed the Board that item 29 would be presented before item 28. April Montgomery made a motion to approve the agenda as amended, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**3. Review and Approval of Meeting Minutes – March 19-20, 2013 Board Meeting and April 18, 2013 Special Executive Session**

**Action:** April Montgomery made a motion to approve the March 19-20, 2013 Board Meeting and April 18, 2013 Special Executive Session minutes, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**4. Approve and/or Remove Items from Consent Agenda**

**Action:** Travis Smith made a motion to remove item 2a from the consent agenda and add it to the regular agenda, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0). Ty Wattenberg made a motion to accept the consent agenda with that item removed, which was seconded by Travis Smith. The motion was approved unanimously (9-0). As part of the regular agenda, Patricia Wells made a motion to approve staff recommendation to file a statement of opposition in consent agenda item 2a. Case No. 3-13CW3002: Application of Santa Maria Reservoir Company, which was seconded by John McClow. The motion was approved unanimously (9-0).

**CWCB 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

**5. Future Board Meeting Dates**

- |               |           |
|---------------|-----------|
| a. July 16-17 | Alamosa   |
| b. Sept 24-25 | Telluride |
| c. 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 Cindy Lair, State Conservation Program Manager, Colorado Department of Agriculture. 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 Chad Bishop, Mammals Research Section Leader, Colorado Parks and Wildlife. This was an informational item only. No Board action was required.

### **~~g. Water Resource and Power Development Authority~~**

**Action:** Representatives were not in attendance to present on this item.

## **7. Interstate, Federal, and Water Information Section – Litigation Account**

### **a. Request for Utilization of Litigation Account – Colorado River**

**Action:** Presentation by Ted Kowalski. A motion was made by John McClow to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (9-0).

**Staff Recommendation:** The Staff recommends that the Board:

1. Authorize reversion to the Litigation Fund of the FY13 unexpended \$40,000 for DOL legal work and \$201,000 for technical work to be made available for future authorizations.
2. Approve the expenditure of a total of \$500,000 to support the CWCB, State Engineer, and Attorney General in these important tasks.
3. Direct the CWCB Director and Staff to expend these funds consistent with the request by the Office of the Attorney General, and;
4. Direct the CWCB Director, CWCB Staff, and Office of the Attorney General to comply with the annual reporting requirements as specifically provided for in Section 37-60-121(2.5).

b. Request for Utilization of Litigation Account – Republican River

**Action:** Introduction by Ted Kowalski, with presentation by Scott Steinbrecher, Assistant Attorney General, Colorado Attorney General’s Office. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

**Staff Recommendation:** The Staff recommends that the Board:

1. Approve the expenditure of a total of \$469,265.61 to support the CWCB, State Engineer, and Attorney General in these important tasks.
2. Direct the CWCB Director and Staff to expend these funds consistent with the request by the Office of the Attorney General, and;
3. Direct the CWCB Director, CWCB Staff, and Office of the Attorney General to comply with the annual reporting requirements as specifically provided for in Section 37-60-121(2.5).

## 8. Interstate, Federal, and Water Information Section – Colorado River Demand Depletion Projections

**Action:** Presentation by Ted Kowalski. This was an informational item only. No Board action was required.

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

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

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

**Action:** Presentation by Jeffrey Baessler. A motion was made by John McClow to approve staff recommendation, which was seconded by April Montgomery. The motion was approved unanimously (8-0). Mike King was unavailable for this motion.

**Staff Recommendation:** Staff requests that the Board make the following determinations and take the following actions on each of the appropriations identified in the table referenced in the

related Board memo, based on the information contained in the memo as well as the information presented by staff both in writing and orally at the January 29, 2013 Board meeting:

1. Determine, pursuant to section 37-92-102(3), C.R.S., and based upon the recommendations of the Bureau of Land Management (BLM) addressing biological needs, flow rates, reaches and time periods and a review of the data and other information presented by Staff in the memo and orally, that for each ISF appropriation identified in the attached table:
  - a. There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
  - b. The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
  - c. Such natural environment can exist without material injury to water rights.
2. Pursuant to ISF Rule 5f., establish January 29, 2013 as the appropriation date for these water rights.
3. Direct staff to request the Attorney General's Office to file the necessary water rights applications.

#### **11. Stream and Lake Protection Section — Authorization to Proceed to Trial in Case No. 2-08CW106, Application of Upper Arkansas Water Conservancy District**

**Action:** Presentation by Kaylea White. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

**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.

#### **12. 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.

**Action:** Jennifer Gimbel announced that she would recuse herself from executive session items 13d and 13e. Alan Hamel announced that there would be a special continuation of the executive session during the lunch break pursuant to the Colorado Open Meetings Act, C.R.S. section 24-6-402(3)(a)(II), such that the CWCB will receive legal advice from counsel on the requirements for appointment of a director. Attendees included Kim Burgess, and Board members John McClow, Diane Hoppe, Travis Smith, Alan Hamel.

#### **13. Executive Session**

**Action:** John McClow made a motion for the Board to go into executive session for discussion of agenda items 13a through 13h, which was seconded by Diane Hoppe. The motion was approved unanimously (8-0). Mike King was unavailable for this motion.

- 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

John McCloy made a motion for the Board to leave executive session, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

#### **14. 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 13a through 13h, and that the discussion was limited to those items only, with no action taken.

#### **15. Finance – Construction Fund and Severance Tax Trust Fund Perpetual Base Account**

- a. New Interest Rates for Fiscal Year 2013/2014

**Action:** Presentation by Kirk Russell. A motion was made by Ty Wattenberg to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board adopt the schedule of 30-year lending rates, as shown in Table 1 of the related Board memo and rates for the Special Interest Rate Categories of a Hydroelectric Rate of 2.0% and a Restricted Reservoir Rate reduction of 0.5% for Agricultural, Low Income Municipalities, and companies that include one or both of these borrower categories as a majority of its ownership. These rates shall apply to all loans recommended to the General Assembly or approved by the Board from July 1, 2013 through June 30, 2014.

- b. Projections and Cash Balance Report

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

#### **16. Finance – New Water Project Loans**

- a. Missouri Heights – Meadow Mountain Irrigation Company – Irrigation Ditch Lining Project

**Action:** Presentation by Kirk Russell. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan, not to exceed \$454,500 (\$450,000 for project costs and \$4,500 for the 1% Loan Service Fee) for project costs, to the Missouri Heights – Mountain Meadow Irrigation Company from the Construction Fund for the Irrigation Ditch Lining Project. The loan terms shall be 30 years at a blended interest rate of 2.2% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

Contract Conditions will include: All additional grant funds obtained for the purpose of this Project shall be submitted to CWCB to be applied to the balance of the loan within thirty (30) calendar days after receipt of funds.

b. Boxelder Basin Regional Stormwater Authority – Larimer and Weld Canal Crossing Structure Project

**Action:** Presentation by Anna Mauss. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$1,010,000 (\$1,000,000 for project costs and \$10,000 for the 1% Loan Service Fee) to the Boxelder Basin Regional Stormwater Authority, acting by and through its Water Activity Enterprise, for the Larimer and Weld Canal Crossing Structure Project from the Construction Fund. The loan terms shall be 15 years at the municipal middle income interest rate of 2.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

c. Boxelder Basin Regional Stormwater Authority – East Side Detention Facility Project

**Action:** Presentation by Anna Mauss. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$7,171,000 (\$7,100,000 for project costs and \$71,000 for the 1% Loan Service Fee) to the Boxelder Basin Regional Stormwater Authority, acting by and through its Water Activity Enterprise, for the East Side Detention Facility Project from the Construction Fund. The loan terms shall be 15 years at the municipal middle income interest rate of 2.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

d. Grand Mesa Water Conservancy District – Peak Reservoir and Blanche Park Reservoir Rehabilitation Project

**Action:** Presentation by Anna Mauss. A motion was made by John McClow to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$227,250 (\$225,000 for project costs and \$2,250 for the 1% Loan Service Fee) to the Grand Mesa Water

Conservancy District, acting by and through its Water Enterprise, for the Peak Reservoir and Blanche Park Reservoir Rehabilitation Project from the Construction Fund. The loan terms shall be 20 years at a blended interest rate of 1.55% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

e. Two Rivers Water and Farming Company – Arkansas Storage Facility Project

**Action:** Presentation by Anna Mauss. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$9,999,000 (\$9,900,000 for project costs and \$99,000 for the 1% Loan Service Fee) from the Construction Fund to the Two Rivers Water Company for engineering and construction costs related to the Arkansas Storage Facility Project. The loan terms shall be 10 years at the agricultural interest rate of 1.25% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

**17. Watershed and Flood Protection Section – Precipitation Frequency Atlas**

**Action:** Presentation by Kevin Houck, with Nolan Doesken, Colorado State Climatologist and Senior Research Associate, Colorado Climate Center at Colorado State University. This was an informational item only. No Board action was required.

**18. 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 Manager, Colorado Parks and Wildlife. A motion was made by April Montgomery to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board:

1. Accept the interest in water that would be provided by Edgemont under the Water Delivery Agreement;
2. Determine that the amounts set forth in the Water Delivery Agreement are appropriate to preserve the natural environment to a reasonable degree on the subject reach of the Florida River in the time, amounts and locations provided by the Agreement;
3. Determine that the best use of the interest in water to be acquired is in the time, amounts and locations provided by the Water Delivery Agreement and confirmed in the water court decree in Case No. 7-11CW041; and
4. Authorize the CWCB Director to finalize and sign the Water Delivery Agreement.

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



**Action:** Presentation by Kaylea White, with Linda Bassi, and Susan Schneider, First Assistant Attorney General, Colorado Attorney General's Office. Comments by Jennifer Hunt, Hill and Robbins, P. C.; and Doug Larsen, President, Eldorado Artesian Springs. A motion was made by John McClow to approve staff recommendation, which was seconded by Russell George. The motion was approved unanimously (8-0). Patricia Wells was unavailable for this motion.

**Staff Recommendation:** Staff recommends that the Board:

1. Approve the following procedure subject to anticipated engineering proving non injury to the satisfaction of the CWCB Staff engineer:
  - a. Applicant will invoke the retained jurisdiction provision in decree regarding a potential IWM proposal;
  - b. CWCB will stipulate to (1) no requirement to replace 100% of indoor diversions in the ½ mile reach above the WWTP and (2) application shall pursue restoration plan; and
  - c. Applicant will amend paragraph 19.D.5 to reflect the new stipulated agreement.
2. However, in case the anticipated engineering does not prove non injury to the satisfaction of the CWCB Staff engineer, then consider this under the IWM rule and:
  - a. Consider whether the natural environment of South Boulder Creek could be preserved to a reasonable degree with the proposed injury if the Applicant provides the proposed mitigation, so long as a general subordination of the ISF water right would not occur, and
  - b. Provide comments to Staff on the proposal and identify any issues that the Applicant and Staff should address before bringing the proposal to the Board for final approval.

## **20. Stream and Lake Protection Section — Request for Water 2013 Update**

**Action:** Presentation by Linda Bassi. This was an informational item only. No Board action was required.

## **21. Interstate, Federal, and Water Information Section – Wild and Scenic Update Including Presentation by the Upper Colorado River Wild and Scenic Stakeholder Group**

**Action:** Presentation by Suzanne Sellers, with Ted Kowalski. Comments by Rob Buirgy, Upper Colorado River Wild and Scenic Stakeholder Group; Roy Smith, Water Rights Specialist/Wild and Scenic Rivers Lead, Bureau of Land Management (BLM); Ralph Swain, Rocky Mountain Region, USFS; Alan Berryman, Northern Colorado Water Conservancy District; and Steve Smith, Environmental Community Representative, Glenwood Springs. A motion was made by April Montgomery to approve staff recommendation, which was seconded by John McClow. The motion was approved unanimously (8-0). Patricia Wells was unavailable for this motion.

**Staff Recommendation:** Regarding the Wild and Scenic Alternatives Fund, the Staff recommends that the Board:

1. Acknowledge that the need and purpose of the Wild and Scenic Alternatives Fund still exists and is expected to continue in the future,
2. Make no revisions to the existing Terms and Conditions, and
3. Continue to support the existing processes discussed above and be prepared to consider offering support to new processes that may arise in the future.

**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)**

**Action:** Presentation by Suzanne Sellers, with Linda Bassi, and Ted Kowalski. Comments by Mike Preston, General Manager, Dolores Water Conservancy District; Steve Smith, Environmental Community Representative, Glenwood Springs; Barbara Hawke, The Wilderness Society; Steve Harris, Southwestern Water Conservation District; Chris Treese, Colorado River Water Conservation District; and Roy Smith, Water Rights Specialist/Wild and Scenic Rivers Lead, BLM. A motion was made by John McClow to accept Director Montgomery’s suggestion in principle that the Board defer its decision on agenda item 22, which was seconded by April Montgomery. The motion was declined (2-6). Patricia Wells was unavailable for this motion. A motion was made by Mike King to approve staff recommendation, which was seconded by Russell George. The motion was approved (7-1). Patricia Wells was unavailable for this motion.

**Staff Recommendation:** Staff recommends that the Board authorize Director Gimbel to send a revised comment letter that incorporates Board input to the BLM GFO.

**RECESS**

**WEDNESDAY, MAY 15, 2013**

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

**23. Basin Directors’ Reports**

- a. Colorado River (Mainstem) Basin Director’s Report - Russell George reporting.

**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.

**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.~~

**Action:** This report was not given since Patricia Wells was not in attendance.

- 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.~~

**Action:** This report was not given since Jay Gallagher was not in attendance.

#### **24. Interstate, Federal, and Water Information Section – Colorado River Water Bank Presentation**

**Action:** Introduction by Michelle Garrison, with presentation by Daniel Birch, Deputy General Manager, Colorado River Water Conservation District. This was an informational item only. No Board action was required.

#### **25. Water Supply Planning Section – Water Supply Reserve Account (WSRA) Basin Account Applications**

- a. Mutual Ditch - Structure for Water Control

**Action:** Presentation by Greg Johnson. A motion was made by Ty Wattenberg 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:** Staff recommends approval of up to \$41,940 from the North Platte Basin Account for the project titled: Mutual Ditch – Structures for Water Control.

- b. Drip Irrigation Field Trial for Sustainable Potato Cropping in the San Luis Valley

**Action:** Presentation by Greg Johnson. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (7-0). Mike King was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$40,000 from the Rio Grande Basin Account to assist in the funding of the project titled: 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**

**Action:** Introduction by Greg Johnson, with presentation by Nicole Seltzer, Executive Director, CFWE. 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 that the Board approve the Fiscal Year 2014 Scope of Work for the Colorado Foundation for Water Education (Foundation).

## **27. Water Supply Planning Section – Drought Update and Response**

**Action:** Presentation by Taryn Finnessey. This was an informational item only. No Board action was required.

## **28. Interstate, Federal, and Water Information Section – CRWAS Phase II Scoping Update**

**Action:** Presentation by Ray Alvarado, with comments by Eric Kuhn, General Manager, Colorado River Water Conservation District. A motion was made by Russell George to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends that the Board take the following actions based on the immediate needs associated with the accelerated schedule for SWSI and the State Water Plan:

Give approval for requesting separate request for proposals for the following efforts:

- a. Current data:
  - i. Review and document the multiple technical studies investigation Colorado River Basin water supply and demand strategies. Provide comparisons to identify how the studies technical objectives, analytical methods and results can be applied to local-level and State-level technical analyses associated with SWSI and the State's Water Plan
  - ii. Extending the CRWAS modeling data sets to 2012, or the most current year that data is available. Including making any modeling changes that more appropriately reflects current water resource operation within the basins. Cost estimate – \$175,000.
- b. Update the alternative hydrologies developed under CRWAS Phase 1, using the Coupled Model Intercomparison Project Phase 5 (CMIP5) climate modeling results. Using the standard establish under CRWAS Phase 1 work, CMIP5 climate modeling results will used to adjust the calculated natural flows generated under CRWAS Phase 1 work. Cost estimate – \$150,000.

## **29. Water Supply Planning Section – Colorado State Water Plan / Statewide Water Supply Initiative (SWSI) / Basin Implementation Discussion**

**Action:** Presentation by Rebecca Mitchell, with James Eklund, Senior Deputy Legal Counsel, Colorado Governor’s Office; and comments by Mike Preston, Dolores Water Conservancy District. James Eklund delivered and read aloud Executive Order D 2013-005, dated May 14, 2013, Directing the Colorado Water Conservation Board to Commence Work on the Colorado Water Plan. This was an informational item only. No Board action was required.

### **30. Water Supply Planning Section – Alternatives to Agricultural Water Transfer Methods (ATM) Grant Requests**

- a. Use of ATMs to Increase Supplies for Conejos Basin Agricultural, Municipal and Environmental Purposes

**Action:** Presentation by Todd Doherty. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$124,124 from the Alternative Agricultural Water Transfer Methods Program to help fund the “Use of ATMs to Increase Supplies for Conejos Basin, Agricultural, Municipal and Environmental Purposes” project contingent upon resolution of the items in the issues/additional needs section of this summary.

- b. Implementation of Deficit Irrigation Regimes: Demonstration and Outreach

**Action:** Presentation by Todd Doherty, with comments by Jose Chavez, Environmental Engineering Department, Colorado State University. A motion was made by Diane Hoppe to approve amended staff recommendation, which was seconded by John McClow. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Amended Staff Recommendation:** Staff recommends approval of up to \$124,734 from the Alternative Agricultural Water Transfer Methods Program to help fund the “Implementation of Deficit Irrigation Regimes: Demonstration and Outreach” project contingent upon resolution of the items in the issues/additional needs section of this summary.

- c. Poudre Basin Water Sharing Working Group Efforts Leading to Agreements South Platte Basin

**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 (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$86,940 from the Alternative Agricultural Water Transfer Methods Program to help fund the “Poudre Basin Water Sharing Working Group Efforts Leading to Agreements South Platte Basin” project contingent upon resolution of the items in the issues/additional needs section of this Summary.

- d. Defining Water Rights in Terms of Consumptive Use to Facilitate Water Transfers

**Action:** Presentation by Todd Doherty. A motion was made by Travis Smith to approve staff recommendation, which was seconded by Ty Wattenberg. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends that the Board not approve the grant request of \$25,092 from the Alternative Agricultural Water Transfer Methods Program to help fund the “Defining Water Rights in Terms of Consumptive Use to Facilitate Water Transfers” project.

e. FLEX Water Market--Education and Implementation Phase

**Action:** Presentation by Todd Doherty. A motion was made by Ty Wattenberg to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$120,250 from the Alternative Agricultural Water Transfer Methods Program to help fund the “FLEX Water Market--Education and Implementation Phase” project contingent upon resolution of the items in the issues/additional needs section of this summary.

f. Compact Water Bank Feasibility Study

**Action:** Presentation by Todd Doherty. A motion was made by John McCLOW to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$180,000 from the Alternative Agricultural Water Transfer Methods Program to continue the feasibility analysis of a water bank contingent upon meeting the items identified in the issues and needs section of this summary.

g. Northeast Colorado Water Cooperative Implementation Project

**Action:** Presentation by Todd Doherty. A motion was made by Diane Hoppe to approve staff recommendation, which was seconded by Travis Smith. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends approval of up to \$173,900 from the Alternative Agricultural Water Transfer Methods Program to help fund the Northeast Colorado Water Cooperative Implementation project contingent upon resolution of the items in the issues/additional needs section of this summary.

h. Colorado Water Central Exchange

**Action:** Presentation by Todd Doherty. A motion was made by Ty Wattenberg to approve staff recommendation, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.

**Staff Recommendation:** Staff recommends that the Board not approve the grant request of \$150,000 from the Alternative Agricultural Water Transfer Methods Program to help fund the “Colorado Water Central Exchange” project.

### **31. Interstate, Federal, and Water Information Section – Update on the Colorado River Basin Salinity Control Program and the Gunnison Selenium Management Program**

**Action:** Presentation by Steve Miller, with comments by Sonja Chavez de Baca, Gunnison Basin and Grand Valley Selenium Task Force. This was an informational item only. No Board action was required.

### **ADJOURN**

A motion was made by Ty Wattenberg to adjourn the May 2013 Board meeting, which was seconded by Diane Hoppe. The motion was approved unanimously (7-0). April Montgomery was unavailable for this motion.