

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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NOVEMBER 19 - 20, 2013 BOARD MEETING AGENDA

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

A meeting of the CWCB will be held on Tuesday, November 19, 2013, commencing at 10:00 a.m. and continuing through Wednesday, November 20, 2013. This meeting will be held in Berthoud, CO at offices of the Northern Colorado Water Conservancy District, located at 220 Water Ave, Berthoud, CO, 80513. There will be a Wild and Scenic Rivers Act Workshop on Tuesday, November 19, 2013 at the same location, from 8:00 a.m. to 10:00 a.m.

The CWCB posts notice 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 lindsay.cox@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 Lindsay Cox 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).

TUESDAY, NOVEMBER 19, 2013

CWCB Call to Order 10:00 AM

- 1. Review and Approval of Agenda (10:00 – 10:02)**
- 2. Review and Approval of Meeting Minutes (10:02 – 10:05)**
 - a. September 24-25, 2013 Board Meeting
 - b. October 21, 2013 Special Board Meeting
- 3. Approve and/or Remove Items from Consent Agenda (10:05 – 10:08)**
- 4. Future Board Meeting Dates in 2014 (10:08 – 10:10)**
 - *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. January 27-28, 2014 Denver Tech Center
 - b. Determining 2014 dates
- 5. Directors' Reports (10:10 – 11:00)**
 - 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
- 6. Watershed & Flood Protection Section – Floodplain Mapping and RiskMap Program (11:00 – 11:10)**
- 7. Watershed & Flood Protection Section – Floodplain Rules and Regulations Update (11:10 -11:20)**
- 8. Watershed & Flood Protection Section – Stream Task Force and River Master Planning Update (11:20 – 11:30)**
- 9. Watershed & Flood Protection Section – State Flood Hazard Mitigation Plan (11:35 -12:00)**
- 10. Watershed & Flood Protection Section – Fish and Wildlife Resources Fund Application (12:00 – 12:15)**

LUNCH **12:15 – 1:00**

- 11. HB 13-1248 Criteria and Guidelines (1:00 – 2:30)**
- 12. Interstate, Federal, and Water Information Section – Colorado River Issues (2:30 – 2:55)**

- a. Upper Colorado River Commission (UCRC) Update
 - Commissioner McClow will provide a public briefing to the Board about the current activities of the UCRC.
- b. Current Colorado River Issues

BREAK 2:55 – 3:05

13. Stream and Lake Protection Section – Proposed Acquisition of Contractual Interest in Water on the Snake River, Case No. 5-10CW43 (3:05 – 3:20)

- Staff will ask the Board to approve a proposed water delivery agreement with Summit County for instream flow use on the Snake River. This is the second meeting of the two-meeting process under ISF Rule 6.

14. Stream and Lake Protection Section – Notice of 2014 Instream Flow Recommendation Appropriations in Water Divisions 1, 4, and 5 (3:20 – 3:30)

- Pursuant to ISF Rule 5c., the CWCB is providing notice that the following streams are being considered for instream flow appropriations in 2014. At the 2014 CWCB meeting, staff may request the Board to form its intent to appropriate ISF water rights on some or all of these streams.

Division	Stream Name	County(ies)	Recommender(s)*
1	North Clear Creek <i>Confl. Chase Gulch to Municipal WWTP</i>	Gilpin	CDPHE, CPW
1	North Clear Creek <i>Municipal WWTP to Confl. Clear Creek</i>	Gilpin	CDPHE, CPW
1	Shell Creek <i>Headwaters to Shell Creek Ditch</i>	Larimer	BLM
4	Hot Springs Creek (ISF Increase) <i>Reservoir to Confl. LL Bush Ditch #4</i>	Gunnison	BLM
4	Oh-Be-Joyful Creek (ISF Increase) <i>Confl. Unnamed Tributary to Confl. Slate River</i>	Gunnison	BLM
4	Slate River (ISF Increase) <i>Confl. Poverty Gulch to Confl. Oh-Be-Joyful Creek</i>	Gunnison	BLM
4	Slate River (ISF Increase) <i>Confl. Oh-Be-Joyful Creek to Confl. Coal Creek</i>	Gunnison	BLM
4	East Creek <i>Confl. North Fork East Creek to Confl. Gunnison River</i>	Gunnison	BLM
4	Granite Creek <i>Confl. Unnamed Tributary to Utah-Colorado border</i>	Gunnison	BLM
4	Ute Creek <i>Headwaters to Confl. West Creek</i>	Gunnison	BLM
4	Dolores River <i>Confl. San Miguel River to Confl. West Creek</i>	Mesa, Montrose	BLM
5	Dry Fork Roan Creek	Garfield	BLM

	<i>Confl. North Dry Fork Creek & South Dry Fork Creek to Confl. Roan Creek</i>		
5	East Divide Creek <i>Confl. Camp Creek to Confl. June Creek</i>	Garfield	CPW
5	East Fork Parachute Creek <i>Confl. Bull Gulch to Confl. Ben Good Creek</i>	Garfield	BLM
5	Left Fork Carr Creek <i>Headwaters to Franklin No. 2 Ditch Headgate</i>	Garfield	BLM
5	Meadow Creek <i>Outlet Meadow Creek Reservoir to Confl. Main Elk Creek</i>	Garfield	CPW
5	Beaver Creek <i>Headwaters to Rifle Town Intake</i>	Garfield	CPW
5	Beaver Dam Creek <i>Headwaters to Confl. East Divide Creek</i>	Mesa	CPW
5	West Divide Creek <i>Confl. Little Beaver Creek to Confl. Mosquito Creek</i>	Mesa	CPW
5	East Divide Creek <i>Confl. Gennings Creek to Confl. Camp Creek</i>	Mesa, Garfield	CPW

15. Stream and Lake Protection Section – Authorization to Proceed to Trial in Case No. 1 - 11CW294 - Application of Aggregate Industries -WCR, Inc. (3:30 – 3:40)

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

16. Attorney General’s Report, Legal Briefing and Executive Session (3:40 – 3:45)

- 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.

17. Executive Session 3:45 – 5:00

- Case No. 4-10CW180: Application of CWCB (Breem Ditch)
- Case Nos. 1-12CW303: Application of City of Blackhawk; 1-10CW309: Application of City of Blackhawk; and 1-11CW282: Application of Colorado Department of Public Health and Environment
- Case No. 1-11CW294: Application of Aggregate Industries -WCR, Inc.
- Colorado River Issues
- Rio Grande River ESA compliance
- Republican River litigation

RECESS 5:00 PM

WEDNESDAY, NOVEMBER 20, 2013

CWCB Call to Order 8:00 AM

18. Report from Executive Session (8:00 – 8:05)

19. Basin Directors' Reports (8:05 – 9:00)

- a. Colorado River (Mainstream) 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

20. Watershed & Flood Protection Section – South Platte River Master Plan (9:00 – 9:40)

21. Water Supply Planning Section – WSRA Criteria Guideline Modification (9:40 – 10:10)

BREAK 10:10 – 10:20

22. Water Supply Planning Section – WSRA Basin Grants (10:20 – 11:05)

- a. Arkansas Basin – Upper Arkansas Water Conservancy District: Helena Diversion Structure/BV Boat Chute Improvement Project – Phase 2
- b. Arkansas Basin – Pikes Peak Regional Water Authority: Basin Implementation Plan
- c. Colorado Basin – Snowmass Water & Sanitation District: Customer Meter Replacement Program
- d. Colorado Basin – Colorado River Water Conservation District & City of Grand Junction (fiscal agents for the Colorado & Yampa/White Basin Roundtables): Energy Development Water Needs Assessment Study
- e. Yampa/White Basin – Colorado River Water Conservation District: Yampa/White Basin Implementation Plan
- f. Yampa/White Basin – Rio Blanco Water Conservancy District: White River Storage Feasibility Study
- g. WSRA Statewide Flood Grant Request

23. Water Supply Planning Section – Roaring Fork Regional Planning Grant – Water Efficiency Grant Program (11:05 – 11:20)

24. Water Supply Planning Section – Statewide Water Supply Initiative, Basin Implementation Plans and Interbasin Compact Committee Update (11:20 – 12:00)

LUNCH 12:00 – 12:45

25. Water Supply Planning Section – Colorado's Water Plan (12:45 – 1:45)

26. Finance – Construction Fund and Severance Tax Perpetual Base Fund (1:45 – 2:05)

- a. Financial Statements Report
- b. Projections and Cash Balance Reports

**27. Finance – Construction Fund Non-Reimbursable Investments – En-Bloc
(2:05 – 2:15)**

- a. Weather Modification Program
- b. Colorado Floodplain Map Modernization – Refresh
- c. DSS Operations and Maintenance
- d. Arkansas River Basin Decision Support System
- e. Litigation Fund Refresh

**28. Finance – Construction Fund Non-Reimbursable Investments – Referred
(2:15 – 2:45)**

- a. Division of Water Resources – Satellite Monitoring System Maintenance
- b. Colorado Watershed Restoration Program – Refresh
- c. Flood & Drought Response Fund – Refresh
- d. Gunnison Basin Irrigation System Planning & Optimization Studies
- e. Implementation Drought Mitigation Strategies
- f. South Platte Groundwater Level Data Collection and Analysis

BREAK 2:45 – 2:55

29. Finance – 2014 Projects Bill Discussion Items (2:55 -3:10)

- a. Long Hollow Reservoir Project Funding
- b. WISE Project Funding
- c. Chatfield Reallocation Project Funding

30. Finance – Water Project Loans (3:10 – 3:30)

- a. North Poudre Irrigation Company – Reservoir No. 4 Rehabilitation Project
- b. Wadley Farms Filing No. 3 Homeowner’s Association – Water Rights Purchase

31. Finance – Emergency Loans (3:30 – 5:00)

- a. Union Ditch Company - Emergency Union Ditch Repair
- b. Davidson Ditch and Reservoir Company - Emergency Davidson Ditch Lining
- c. Beeman Irrigating Ditch and Milling Company - Emergency Beeman Diversion Dam Repair
- d. Consolidated Home Supply Ditch & Reservoir Company - Emergency George Rist Ditch Repair
- e. Butte Irrigating and Milling Company - Emergency Berm Repair
- f. Green Ditch Company - Emergency Green Ditch Channel Repair
- g. City of Evans - Emergency Evans Town Ditch Repairs
- h. Palmerton Consolidated Ditch Company - Emergency Palmerton Diversion and Ditch Repairs

CWCB CONSENT AGENDA
November 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 – Loan Deauthorization

- a. Two Rivers Water Company – Arkansas Storage Facility Project
- b. City of Greeley – High Park Fire Restoration Project

2. Watershed & Flood Protection Section – Floodplain Designation, "Flood Hazard Area Delineation, Sanderson Gulch," dated August 2013 by Matrix Design Group