

South Platte Basin Roundtable
Meeting
Tuesday, November 12, 2013
Southwest Weld County Building
4-7

Members present: Lisa McVicker (Center of CO WCD), Kevin Lusk (El Paso County), Allyn Wind (Morgan County), Gene Bauerle (Republican River WCD), Gene Manuello (Ag Rep.), Connie McLain (Gilpin County), Mike Brazell (Park County), Harold Evans (Weld County Munis), Larry Howard (Larimer Co. Munis), Sean Conway (Weld County), Sean Cronin (St Vrain & Left Hand WCD), Rich Belt (Industrial), Bruce Gerk (Sedgwick County Munis), Mike Shimmin (at-large), Mike Applegate (Northern Water), Diane Hoppe (CCWCB Board Member), Jim Hall (Local Dam Water Provider), Eric Wilkinson (IBCC Rep), Gary Herman (Central Colo Water Conservancy District), Frank Eckhardt (Central CO WCD), Larry Ross (Elbert County Commissioner), Lynda James (Upper South Platte WCD), Jeffrey Boring (Larimer County), Joel Schneekloth (CSU), Ken Huson (Boulder County Municipalities), Jim Yahn (At Large voting member), Dough Robotham (At Large voting member), Brent Nation (Morgan Muni), Steve Larson (Broomfield), Greg Kernohan (Rec Rep), Bob Streeter (Environmental Rep), Joe Frank (LSPWCD), Bert Weaver (Clear Creek County), Sean Cronin (St. Vrain and Left Hand), Jim Ford (Black Hawk)

- I. Welcome and Introductions: Sean Cronin
- II. Approval of October Minutes
- III. HB 12-1287: Update on Groundwater study: Regan Waskom
Summary:
 - Groundwater levels are rising in some areas of the South Platte;
 - On a basin scale, augmentation supply has caught up with augmentation requirements, but many localized issues remain;
 - Surface water rights are being protected under current administration of the system;
 - The long-term average annual flow at the Julesburg gage near the state line averages 380,070 acft. The long-term average annual flow for the period of 2000-2017 was 213,446 acft.
 - Many of the problems related to well curtailments and high groundwater are localized, and care must be exercised not to over-reach when applying solutions;
 - The current system is accepted and working well for many water users; the question remains as to whether we can improve the system for the good of the whole while addressing local problems;
 - There is insufficient water to meet all of the needs—more water storage and more efficient use of supplies needs to be found.

All information will be online: The South Platte River and Alluvial Aquifer:
www.cwi.colostate.edu/southplatte/index.html

Joe Frank: At next groundwater meeting, there will be more time for questions and feedback; initial study will be completed; deadline is 49 days.

- IV. Bylaws Revision: Amendment language in Article 5: 60% of those voting in the quorum; 1/3 is present—clearly have a quorum of 33 members: Clarification on Article 5: Mike Shimmin: Explains he had to recreate the bylaws in a word version; Last page: these bylaws may be altered...by 60% vote of any meeting of the South Platte Basin Rdtale providing that notice was given... this is not a 60% quorum requirement; quorum is 1/3 of membership. No redline changes to this amendment.

Sean Cronin: Redline version supplied to all membership; looking for a motion to approve the amendments.

Bert Weaver moves to approve the bylaws as amended.

Sean Conway seconds.

Discussion:

Allyn Wind: Section 5 of Article III: makes changes to language so that it reads as follows: replace “officer” with “member”—appoint members not officers.

Mike Shimmin: This section deals only with officeholders, so leaving the language as officer in last line would be more specific.

Allyn agrees.

Bert accepts amendment in his motion.

Jim Ford: Bottom of page 4, Section IV: If an inactive member is a member appointed pursuant to Article IV, Section 2..this needs to read Article II, Section 1. Statutory Members... Correct...

McVicker: Article 1, Section 4...delete word “by” so that it reads...”water needs assessment requirement shall be set forth in other documents...”

_____: Question per inactive members?

Shimmin: Above in section IV...committee did not discuss this specifically;

Cronin: page 5...last sentence above new section 5: ...”inactive members” will not be counted for purposes of determining a quorum...

That is the question...how do you become active status again if you start showing up and voting.

Shimmin: This is not directly addressed; this can be dealt with administratively by the Roundtable. It is my legal opinion that the Roundtable cannot cancel the voting power of any member per the statute; the Roundtable cannot act to violate the statute, so if you are a member and you show up you have to be allowed to vote. The entire concern to make these changes was because so many members were not showing up and so we did not have a quorum for carrying forth action items. This is a good question raised by Steve but we could discuss this in the future in a new set of amendments. The committee looked at the bylaws of all the other roundtables; many have lots of amendments and the committee decided to focus on this issue of trying to make sure that there is a quorum at meetings where members do not show up.

Jim Ford: page 1, Article 1, Section 2, changing tenses of verbs: “shall”...

Mike Shimmin: Tried to change the word “resolution” to the word “documents”...these bylaws were adopted early on but we have not adopted any resolution, we have done it in the form of needs assessment, etc.

Thus, should change Article 1, Section 2: The purpose has been set forth in separate documents adopted by....

Bert Weaver: Accepts changes in his motion.

Jeffrey: Article 4, Section 1 & 2: Regular meetings need the leeway; but this raises the point that perhaps there should be more leeway for special meetings.

Shimmin points out that we have never had a special meeting. Points out that if we do not have control over something—like notifying membership—no reason to have it in bylaws. Therefore, per special meetings change the language to that notice needs to be given no less than 3 days before the meeting.

Bert Weaver: Agrees to amendments to this friendly amendment.

Friendly amendments and seconds from Mr. Conway

Vote: Unanimous vote.

Mike Shimmin: States that he will put a new version together with all of the small amendments; reminds membership that we can make changes to the bylaws at any time.

Bruce Gerk: Hopes that communication can be improved; points out the long distance in travel and that the location of our meetings is a long trip for many members who live four hours away – east or south—and therefore it would be much more useful to have notice earlier. Difficult for many to receive emails on the day of...thus would like very much for earlier notice, especially for those on eastern plains.

McVicker: States that there is no reason that the Chair and the Recorder cannot give notice to IBC early to get notice out; also states that perhaps we should encourage telephone voting and conference calls.

Cronin: Yes, the committee has talked about perhaps allowing for telephone conferencing and certainly telephone votes.

Shimmin: Could we have written proxies? When we first started the roundtable we decided against that because we really wanted in person voting and that a person might vote with a written proxy in one manner and then the proxy changes his or her vote. So as a point of information, the reason we have not had written proxies is for this desire for face to face meeting.

Bruce: Just want to clarify that it is not an issue of getting here but that we need clear communication about the meeting so that we can plan for getting to the meeting; opines that meetings are important just need time to plan. Emphasis on advance communications.

Rich Belt: During the basin implementation process, should we plan on having meetings further out east; also does the South Platte Basin Roundtable adequately address the Republican Basin Roundtable...should there be a subcommittee to address these.

Eugene Bauerele: We do have some issues that will be arising.

Rich: So perhaps there should be a subcommittee that meets out there and comes back to the South Platte Basin Roundtable.

Harold Evans: One suggestion we had in the past was to go forward on a sub basin planning basin—have these four sub basins meet and then come forth—High Mountain Counties, Republican Basin, High Plains, Northern...

Sean Cronin: Suggests that the Rio Chato committee within the context of the implementation plan should meet on this about meeting at different locations and come up with suggestions for this and come back to the roundtable.

Larry: I would like to encourage the technological solution to some of these due to conflicts with county commissioner meetings.

Sean Cronin: Eric Wilkinson...any chance we could use Northern for video conferencing?

McVicker: But others would have to be somewhere to watch...

Mike Brazell: Need technology on both ends.

Sean Cronin: Reiterates that Rio Chato should revisit these issues and report back to the membership roundtable at next opportunity.

Bert Weaver: Agrees with Mike Shimmin's comment that face-to-face meetings are important.

Dinner break for 10 minutes

Sub-committee updates:

- a. Legislative Report: Interim water resource committee meeting: Diana Orf (referral thanks to Colorado Water Congress):
11 draft bills were cut down to five bills that will go forward to leadership of House and Senate to make decision on what bills will go forward.

Go to State Website: Bills 1, 2, 3, 4, 5—text is on website.

- 1) Bill to encourage hydroelectric activity; encourage instream and other forms of hydro power; perhaps with ditches needing
- 2) Bill to establish framework for a newly designated use called “flexible use”—allows someone to go to Water Court and ask that a portion of their consumptive use could be transferred for a variety of purposes—terms and conditions based on no injury; based on quantification of use either in a substitute water supply plan or change of use plan;
- 3) Bill authorizes grants for domestic waste water and water for small communities; requires priorities to be set; aims for communities less than 5,0000
- 4) Bill focusing on forest service requiring permit holders to assign their water rights as a condition for renewal of their lease renewal; are going through the speculation statute saying that if the US Government obtains a water right originally obtained by a third party, and this is not part of a federally reserved water right—then this is considered to be held under anti-speculation doctrine.
- 5) Bill asked for Division of Water Resources—asking to remove some of the requirements for notices and asking for electronic noticing.
- 6) RESOLUTION: urging Congress to enact legislation to remove weight limits for logging trucks; this would protect the water shed.

Five other bills that they decided not to move forward on but they could be introduced by individual representatives or senators.

Diana was a consultant with CO Water Congress; Doug Kemper suggested this assistance with CO Water Congress.

b) CWCB Report: Diane Hoppe: CWCB called special meeting on Oct 21; went over financial matters per long range planning to free up funding for the emergency loan funds. Concentration on emergency loan funds and applications submitted; expresses thanks to Northern Water to assist with applications; CWCB had to modify rules in order to accomplish this.

30 year loans—first 3 years are 0 % interest, remaining depend on ag or muni. Thanks to Eric Wilkinson for idea to conduct loan approval. Approved 11 loans for \$12.3 million; next round at next meeting on Nov 19 & 20 in Berthoud. Board will tour areas hit by the flood.

Questions: Sean Conway: Idea of who were the recipients of these loans?

Dianne: Ditch Companies, Reservoir Companies, Irrigation Companies.

Jacob from CWCB: Emergency WSRA grant for \$1.8 million; again thanks to Northern for hosting that grant; one round—more applications for more money than that; therefore will consider tapping WSRA account; will also be topics from SWSI...this might be worthwhile to look at the agenda items that might be pertinent to this roundtable.

Sean Conway: Expresses thanks again to Diane and Eric.

Diane: Before the floods, CWCB staff has been very busy working on the State Water Plan; with the flood the staff has had to double up; CWCB is still under-staffed and the CWCB staff has really stepped up.

c) IBCC: Eric and Jim Yahn: Have not had a meeting since October; next meeting is Dec 4. Focus will be on New Supply.

Dec: Risk Management (development of new supply); sequencing of strategies; allowing new supply to be competitive with ag transfers;

Feb: Water availability on western slope; persevering ability to meet west slope needs; recovery on west slope.

Feb/March: Statewide summit

April: Multi-purpose components of new supply project and structure; persevering an option on new supply

IBCC will be paired up; reminded Jim of being in Four H, putting halters on a pair of cows and eventually they led each other around:)

During this process, IBCC would like roundtables to engage in terms of preserving new options so ask that the east slope roundtables engage west slope roundtables; suggested that this could be done through basin implementation plans.

Jon Stulp: Echoes Diane Hoppe's comments on the fact that the staff of CWCB is doing double duty and also recognizes the huge amount of work that has been done by the South Platte Basin. Point to proof of how well we can work together. Notes that there are 27 members on the IBCC and that pairing people up from different round tables can help to reach agreement often and that therefore the discussion could be expedited. The calendar could be moved up if agreement comes forth; putting components in the water plan together. Lots of activity and hope that the SPBRT will put a contractor in place in order to put basin implementation plan together.

Jacob: Yes, IBC (Viola) put this out today to try to set up meetings with the consultant.

John: Notes again that the issues in the Republican River Basin are quite different from those in the San Luis, but nevertheless are asking the basins to look at some of the similarities.

Offers either himself or James Eckland to any organization.

Sean Cronin: Participated in a conference call of all roundtable chairs and notes the quality of our IBCC reps; encourages everyone to touch base with Eric or Jim before the next IBCC meetings.

Eric: Such contact would be very much welcome.

Eric: Summarizes the application process in the cycles for the grants.

Indicative of the frustration and damage experienced from the floods: Sean summarizes that there is over \$16.5 million in damages on ditches alone in the St. Vrain and Left Hand WCD; notes that there is not a magic pot of money and that therefore this money has been very welcome. Notes that there will be a "gap" between the money available and the need; little financial assistance; notes that there have been issues with FEMA.

Ditch companies have been receiving assistance if 35% is muni. FEMA's focus is on ownership not use. Sean emphasizes the need to persevere.

Eric Wilkinson: Legislature has appointed a flood study committee; they are looking at ways that the state can help.

Sean Cronin and Sean Conway discuss the frustration with FEMA.
Any good news?

Sean Conway: Gives a shout out to CDOT; outstanding work done since September 16; major arterials are open. Johnny Olson and entire CDOT crew have done a wonderful job.

Mike Shimmin: From an individual standpoint; we had money in our checking account, electronically wired to our bank account for our own house from our FEMA reqs. After the hurricanes in the east, this is the part that FEMA got right and the electronic processing has been very effective. For individuals it has worked. Every house in north Boulder was damaged; so at the individual level it has worked. But the amount of money had no relationship to the damage.

Todd Doherty: One positive thing...commends Chris Sturm with the CWCB; he has done a fabulous job in doing long-range river basin planning; looking at long-range rebuilding efforts on Boulder Creek has been very good.

John Stulp: \$170 million on waste water management plants; 99% of the people are on good water at this point; remarkable how quickly these have recovered. The Stream Team folks are ready to work with anyone on future design; opportunity once you are functional you can consider tapping into. There were 10 deaths from this storm which is tragic; but as we hear about the hurricane in the Philippines with perhaps 10 million deaths, we should feel fortunate and take pride in our infrastructure.

Rich Belt: The CWCB staff has been very responsive and useful.

Bob Streeter: CO Parks and Wildlife are available to help with any advanced planning for anyone who wants to develop a multipurpose structure for the short term and then provide longer term technical assistance—also part of the Stream Team.

VII. Sub-Committee Updates

- a. Education Sub-Committee: Schneekloth: No report
- b. Non-Consumptive Sub-Committee: Streeter: Focus area maps on stream reaches which the roundtable approved several years ago, these are now in the database of the CWCB. Committee will consider a proposal to include some of the Tarryall (Lynda James suggestion). RFP, DU has taken the lead; we have reviewed three proposals and will do interviews on Nov 20. Would like someone from consumptive side for these interviews; trying to meet the same schedule as consumptive side; nonconsumptive summit in Summit County; nonconsumptive committee can meet before hand.
CO Parks and Wildlife and NGOs have an intent to put a proposal to the basin for funds that could be used for reconstruction for water diversions to make them more multi-purpose, fish friendly.

- c. Phreatophyte Sub-Committee: Streeter: Doug Rademacher has put together a proposal from Weld County for Russian Olive control. There are funds available so worthwhile getting together with Tina Bouten to coordinate on the Russian Olive eradication. As part of Regan Waskom's project of mapping of river, also mapping the areas with intense phreatophytes so we have recent mapping on this—ancillary to Regan's work.
- d. Alternative Ag Transfer Methods Sub-Committee: Frank: The ATM committee has not been active for awhile; there have been individual and regional efforts –FLEX market, for example—where projects are moving forward. At this point, individual efforts moving forward.
- e. Groundwater Sub-Committee: Cronin: Refers to Regan Waskom's presentation and encourages everyone to go to the next meetings; 49 days until due date.
- f. Rio Chato Sub-Committee: Cronin: Joe Frank update on basin implementation plan: RFPs were due on Nov 1 –parallel with Bob's dates with nonconsumptive. There were 4 submittals; will meet tomorrow to go through the process of selecting finalists and then doing interviews on Nov 21. Reminder that Rio Chato is open to anyone on the Roundtable; contact Joe or Jacob if you would like to be on the committee. Goal is to finalize the scope of work in the first week of December and then at the Dec meeting, have a presentation from the finalists; would also like someone from nonconsumptive to join. Adds that in the scope of work, our basin plan and Metro emphasizes the New Supply planning; the other piece that Harold Evans mentioned is to reach out to the different geographical areas across the basin as well. Looking for the stakeholder bottom up effort—key components of the basin plan. Will be a busy month and coming year.
- g. Executive Sub-Committee: Cronin: No report.

Other items: Bob Streeter: The Poudre Runs Through It: 25 persons from ag, munis, business, recreation, ecologies—coming together to learn about the Poudre River; complicated river in terms of users; transbasin waters, storage, muni use; taking collaborative action.

Take a look at their work: www.cwi.colostate.edu/thepoudrerunsthroughit

Looking at problems and issues and work towards collaborative action.

First annual Poudre River Forum on Feb 8, 2014.

Report on Josh Aims project as an example.

Also focus on policy planning and funding; recreation and education. The Forum on Feb 8 has educational focus.

Harold Evans: Reminds everyone that the Poudre River runs all the way to the confluence with the South Platte. Lots of opportunities to do something special; think bigger than your stretch of the river.

Other comments:

Joe Frank: Colorado Aquifer Management workshop on December 3; Conjunctive use of groundwater and surface water.

Register: <http://www.agwt.org> or call 800-423-7748

American Ground Water Trust is Conference Organizer.

Meeting adjourns at 7:10 pm.

Next Meeting Dates: December 10, 2013

Please book the second Tuesday of the month here in Weld County for our meetings.

Statewide Roundtable Summit: Feb 26 or 27; March 5 or 6, 2014.