

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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JANUARY 27-28, 2014 BOARD MEETING AGENDA

A meeting of the CWCB will be held on Monday, January 27, 2014 commencing at 9:00 a.m. and continuing through Tuesday, January 28, 2014. This meeting will be held in Denver, CO at the Hyatt Regency Denver Tech Center located at 7800 East Tufts Avenue, Denver, CO 80237.

Hink
John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

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).

MONDAY, JANUARY 27, 2014

CWCB Call to Order 9:00 AM

- 1. Review and Approval of Agenda (9:00 – 9:02)**
- 2. Review and Approval of Meeting Minutes (9:02 – 9:05)**
 - a. November 19-20, 2013 Board Meeting
 - b. December 19, 2013 Special Board Meeting
- 3. Approve and/or Remove Items from Consent Agenda (9:05 – 9:08)**
- 4. Future Board Meeting Dates in 2014 (9:08 – 9:10)**
 - *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. March 18 - 19, 2014 History Colorado, Denver
 - b. May 21-22, 2014 Pueblo
 - c. July 16-17, 2014 Rangely
 - d. September 11-12, 2014 Glenwood Springs (joint board meeting with CPW)
 - e. November 19-20, 2014 Berthoud
- 5. Directors' Reports (9:10 – 10:00)**
 - 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. Interstate, Federal, and Water Information Section – Colorado River Issues (10:00 – 10:15)**
 - 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. Other Colorado River Issues
- 7. Interstate, Federal, and Water Information Section – Litigation Account Request (10:15 – 10:25)**
 - *Colorado River request. The Board will be asked to approve expenditures from the litigation account for issues related to the defense of the Colorado River.*
- 8. Attorney General's Report, Legal Briefing and Executive Session (10:25 – 10:30)**
 - *This is a briefing on legal issues contained in the Attorney General's written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney-client privilege.*

BREAK 10:30 – 10:40

9. Executive Session (10:40 – 11:40)

- a. Legal Issues concerning Loans for Boxelder Basin Regional Stormwater Authority
- b. Colorado River Issues
- c. Rio Grande River Litigation
- d. Republican River Litigation

10. Report from Executive Session (11:40 – 11:45)

11. Interstate, Federal, and Water Information Section – Species Conservation Trust Fund (11:45 – 12:00)

- *The Board will be asked to provide input on the SCTF recommendations for 2014 projects.*

LUNCH 12:00 – 1:00

12. Interstate, Federal, and Water Information Section – Pitkin County RICD (1:00 – 2:00)

- *Pursuant to the Board's RICD Rules, the Board will publicly deliberate and issue findings on the subject RICD application, as that application has been modified.*

13. Finance/ Interstate, Federal, and Water Information Section – Animas-La Plata (A-LP) Update (2:00 – 2:10)

14. Finance – Construction Fund and Severance Tax Perpetual Base Fund (2:10 – 2:15)

- a. Projections and Cash Balance Report

15. Finance – New Water Project Loans (2:15 – 2:30)

- a. Boxelder Basin Regional Stormwater Authority

16. Finance – Emergency Loans (2:30 – 2:50)

- a. Sylvan Dale Ranch – Emergency Irrigation Pond Excavation Project
- b. Big Elk Meadows Association – Emergency Raw Water Storage Reconstruction Project

BREAK 2:50 – 3:05

17. Finance – Loan Deferral (3:05 – 3:25)

- a. Big Elk Meadows Association

18. Finance – Construction Fund Non-Reimbursable Investments (3:25 – 3:35)

- a. Ag Transfer Grant

19. Finance – Draft 2014 Projects Bill Discussion Items (3:35 – 4:00)

20. SB14-017 “Limit Use of Ag Water for Lawn Irrigation” Update (4:00 – 4:15)

21. HB12-1278 Report of the South Platte River Alluvial Aquifer by Reagan Waskom (4:15 – 5:00)

RECESS 5:00 PM

TUESDAY, JANUARY 28, 2014

CWCB Call to Order 9:00 AM

22. Update from the Front Range Water Council (9:00 – 9:30)

23. Basin Directors' Reports (9:30 – 10:30)

- 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

BREAK 10:30 – 10:45

24. Watershed & Flood Protection Section – Floodplain Mapping and RiskMap Program (10:45 – 10:55)

25. Watershed & Flood Protection Section – Floodplain Rules and Regulations Update (10:55 – 11:05)

26. Watershed & Flood Protection Section – Stream Task Force and River Master Planning Update (11:05 – 11:15)

27. Watershed & Flood Protection Section – Update on the 2013 Flood Frequency Report (11:15 – 11:30)

28. HB13-1248 Fowler Pilot Project Update (11:30 – 12:10)

LUNCH 12:10 – 1:00

29. Stream and Lake Protection Section – Instream Flow Appropriations in Water Divisions 1, 4 and 5 (1:00 – 2:15)

- Staff will ask the Board to declare its intent to appropriate the following 18 instream flow water right recommendations.

Division	Stream Name	County(ies)	Recommender(s)*
1	Shell Creek <i>Headwaters to BLM Boundary</i>	Larimer	BLM
4	Hot Springs Creek (ISF Increase) <i>Outlet Hot Springs 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)	Gunnison	BLM

	<i>Confl. Poverty Gulch to Confl. Oh-Be-Joyful Creek</i>		
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 East Creek Ditch</i>	Mesa	BLM
4	East Creek <i>East Creek Ditch to Confl. Gunnison River</i>	Mesa	BLM
4	Granite Creek <i>Confl. Unnamed Tributary to Utah-Colorado Border</i>	Mesa	BLM
4	Ute Creek <i>Headwaters to Confl. West Creek</i>	Mesa	BLM
4	Dolores River <i>Confl. San Miguel River to Confl. West Creek</i>	Mesa, Montrose	BLM, CPW
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 BLM Boundary</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 Dame Ditch</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

*CPW (Colorado Division of Parks and Wildlife), BLM (Bureau of Land Management)

30. Water Supply Planning Section – Colorado Water Efficiency Data Portal- Implementation of HB10-1051 (2:15 – 2:35)

31. Water Supply Planning Section – WSRA Basin Grants (2:35 – 3:05)

- Arkansas Basin – Pikes Peak Regional Water Authority: Basin Implementation Plan; Section 4.2 Watershed Health
- Arkansas Basin – Pikes Peak Regional Water Authority: Basin Implementation Plan; Section 4.3 Conservation
- Gunnison Basin – Town of Paonia: Raw Water Pipeline
- Gunnison Basin – Lone Cabin Ditch and Reservoir Company: Lone Cabin Dam Repair and Rehabilitation Project
- Rio Grande Basin – Acequia del Cerro: Rehabilitation and Ditch Lining

- f. Southwest Basin – Summit Reservoir and Irrigation Company: Evaluation of Potential Infrastructure Upgrades
- g. Southwest Basin – Telluride Pines Homeowners Association: Telluride Pines Water Augmentation
- h. Yampa/White Basin – Moffat County: Yampa-White Basin Projects and Methods Analysis

BREAK 3:05 – 3:20

**32. Water Supply Planning Section – Chatfield Fish and Wildlife Mitigation Plan
(3:20 – 3:50)**

**33. Water Supply Planning Section – Statewide Water Supply Initiative and Basin
Implementation Plan Update (3:50 – 4:05)**

34. Water Supply Planning Section – Colorado’s Water Plan (4:05 – 5:00)

ADJOURN 5:00

CWCB CONSENT AGENDA
January 27-28, 2014

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. Interstate, Federal, and Water Information Section – Statements of Opposition

– The Board will be asked to ratify Statements of Opposition that were filed by staff to protect Colorado’s ability to promote maximum utilization of the waters of the State for the following Recreational In-Channel Diversion (RICD) cases:

- a. Case No. 7-13CW3028: Application for Finding of Reasonable Diligence by the City of Durango
- b. Case No. 5-13CW3057: Application for Finding of Reasonable Diligence by the Town of Silverthorne

2. Stream and Lake Protection Section – Statements of Opposition

- a. Case No. 5-13CW058: Application of Charles E. Shupe & Annette R. Wescott