



# COLORADO

## Colorado Water Conservation Board

Department of Natural Resources

John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

James Eklund  
CWCB Director

### DRAFT

## Summary Minutes and Record of Decisions September 11-12, 2014 Board Meeting

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the the Hotel Colorado, located at 562 Pine Street, Glenwood Springs, CO 81601. The meeting was called to order by Chair April Montgomery. Nine voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Alan Hamel, John McClow, Diane Hoppe, April Montgomery, Ty Wattenberg, Travis Smith, Patricia Wells, Russell George, and Jay Gallagher. Non-voting *ex officio* members present or represented were Casey Shpall, Deputy Attorney General for Natural Resources; Dick Wolfe, Colorado State Engineer; John Stulp, Director of the IBCC; and James Eklund, CWCB Director. Bob Broscheid, Colorado Parks and Wildlife Director, was present for agenda item 8.

On the second day, the meeting was called to order by Chair April Montgomery. Nine voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Alan Hamel, John McClow, Russell George, Ty Wattenberg, Diane Hoppe, Patricia Wells, April Montgomery, Travis Smith, Russell George, and Jay Gallagher. Non-voting *ex officio* members present or represented were Casey Shpall, Deputy Attorney General for Natural Resources; Dick Wolfe, Colorado State Engineer; John Stulp, Director of the IBCC; and James Eklund, CWCB Director.

*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.*



## 1. Review and Approval of Agenda

**Action:** Agenda item 13j was removed from the agenda. A motion to approve the agenda was made by Diane Hoppe, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

## 2. Review and Approval of July 16-17, 2014 Board Meeting Minutes

**Action:** Agenda item 16c was amended to show that Ron Carleton gave the director's report for the Colorado Department of Agriculture and the spelling of his name was corrected on the first page. Agenda item 17 was amended to correct the spelling of "Patrick Kowaleski." Agenda item 18 was corrected to read "Aspinal session." The Yellow Jacket presentation was included following agenda item 15. The word "intended" was corrected in agenda item 26. A motion to approve the minutes as corrected was made by Diane Hoppe, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

## 3. Approve and/or Remove Consent Agenda Items

**Action:** A motion to approve the consent agenda was made by Diane Hoppe, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

1. Statements of Opposition *Stream and Lake Protection Section*
  - a. Case No. 3-14CW3011: Application of San Luis Valley Water Conservancy District
  - b. Case No. 5-14CW3043: Application of Constance Harvey Revocable Trust, et al.
  - c. Case No. 5-14CW3080: Application of White Horse Springs Water & Sanitation District
  - d. Case No. 6-14CW005: Application of Philip Lopez and Ron Palmer
  - e. Case No. 7-14CW3013: Application of Edgemont Ranch Metro District
2. Statements of Opposition *Interstate, Federal, & Water Information Section*
  - a. Case No. 5-14CW3079: Application for Finding of Reasonable Diligence and to Make Absolute by the Town of Avon

## 4. Future Board Meeting Dates in 2014

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

## 5. Construction Fund and Severance Tax Perpetual Base Fund

### *Finance Section*

- a. Projections and Cash Balance Report

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

## **6. Water Project Loans**

### *Finance Section*

#### **a. Sterling Irrigation Company - Emergency Sterling Ditch Rehabilitation Project**

**Action:** Presentation by staff member Jonathan Hernandez. Gene Manuello, President of Sterling Irrigation Company, addressed the Board. A motion to approve the staff recommendation was made by Diane Hoppe, which was seconded by Alan Hamel. The motion was approved unanimously (9-0).

**Staff recommendation:** Staff recommends the Board approve a loan not to exceed \$101,000 (\$100,000 for Project cost and \$1,000 for the 1% service fee) to the Sterling Irrigation Company, for engineering and construction cost related to the Emergency Sterling Ditch Rehabilitation Project from the Severance Tax Perpetual Base Fund, up to the approved loan amount. The loan terms shall be 10 years at the agricultural interest rate of 1.50% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

## **7. Change to Existing Loans**

### *Finance Section*

#### **a. Consolidated Home Supply Ditch & Reservoir Company - Emergency Big Dam Diversion Structure Repair**

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

**Staff recommendation:** Staff recommends the Board approve a loan increase of \$242,400 (\$240,000 for project costs and \$2,400 for the 1% Loan Service Fee) for a total loan not to exceed \$1,858,400 (\$1,840,000 for project cost and \$18,400 for the 1% Loan Service Fee) to the Consolidated Home Supply Ditch and Reservoir Company for engineering and construction costs related to the Emergency Big Dam Diversion Structure Repair Project from the Severance Tax Perpetual Base Fund. The loan terms shall remain 3 years of no interest followed by 27 years at a blended interest rate of 1.95% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

## **8. Joint Meeting with Colorado Park and Wildlife Commission**

### **1. Welcoming remarks and introductions**

**Action:** Colorado Water Conservation Board (CWCB) Chair April Montgomery and Colorado Parks and Wildlife (CPW) Commission Chair William Kane facilitated introductions. Chris Castilian, Robert Bray, Jeanne Horne, Gaspar Perricone, Dale Pizel, James Pribyl, James Vigil, Robert Wingfield, Michelle Zimmerman, Alexander Zipp, and Bob Broscheid were present for the joint meeting. This was an informational item only. No Board action was required.

### **2. The 2013 Flood: One Year Later - Recovery Update**

**Action:** Presentation by CWCB staff member Kevin Houck. This was an informational item only. No Board action was required.

### 3. Update on Endangered Species Program

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

### 4. Update on Recovery Program for Colorado River Listed Fish Species

**Action:** Presentation by CPW staff member Greg Gerlich. This was an informational item only. No Board action was required.

### 5. CWCB/CPW Coordination on Instream Flow Program, Recreation In-Channel Diversion, and Wild and Scenic Alternatives Stakeholder Group Processes

**Action:** Presentations by CWCB staff members Linda Bassi and Ted Kowalski. This was an informational item only. No Board action was required.

### 6. Presentation on Colorado's Water Plan

**Action:** Presentation by CWCB staff member Rebecca Mitchell and CPW staff member Alex Davis. This was an informational item only. No Board action was required.

## 9. Colorado's Water Plan Chapter Review

### *Water Supply Planning Section*

#### a. Draft chapter regarding historical and projected water supply

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

#### b. Draft section regarding economics and financing

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

#### c. Draft section regarding meeting Colorado's water gaps

**Action:** Presentation by staff member Jacob Bornstein. This was an informational item only. No Board action was required.

#### d. Draft chapter regarding water demand by sector

**Action:** Presentation by staff member Jacob Bornstein. This was an informational item only. No Board action was required.

#### e. Draft section regarding interbasin projects and agreements

**Action:** Presentation by staff member Jacob Bornstein. This was an informational item only. No Board action was required.

- f. Draft chapter regarding interstate compacts and equitable apportionment decrees

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

- g. Draft section regarding municipal, industrial, and agricultural infrastructure projects and methods

**Action:** Presentation by staff member Brent Newman. This was an informational item only. No Board action was required.

- h. Draft section regarding watershed health and management

**Action:** Presentation by staff member Chris Sturm. This was an informational item only. No Board action was required.

- i. Draft section regarding environmental and recreational projects and methods

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

- j. Draft section regarding state water rights' alignment

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

- k. Draft section regarding outreach, education, and public engagement

**Action:** Presentation by staff member Lindsay Cox. This was an informational item only. No Board action was required.

## **10. Colorado's Water Plan Public Input and Outreach**

### *Water Supply Planning Section*

- a. Basin and Statewide Outreach Update

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

- b. Review of Public Input Received to Date and Staff Response

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

- c. Public Input Presentations

**Action:** Presentation by staff member Rebecca Mitchell. The following members of the public addressed the Board: Kate Greenberg, representing the National Young Farmers Coalition;

Don Chaplin, representing the Ditch and Reservoir Company Alliance; Jack Bombardier, representing Confluence Casting based in Eagle County; Dennis Saffell, representing the Coldwell Banker Mountain Properties; Drew Beckwith, representing Western Resource Advocates; Tom Easley, representing the Rocky Mountain Climate Organization; Theresa Conley, representing Conservation Colorado; Bart Miller, representing Western Resource Advocates; Rachel Richards, representing the Northwest Colorado Council of Governments - Quality Quantity Group; Nathan Fey, representing American Whitewater; Mark Pifher, representing the Front Range Water Council; Joe Stibrich, representing Aurora Water; Brett Gracely, representing Colorado Springs Utilities; Annie Henderson, representing the Upper Colorado Private Boaters Association; and Troy Harcourt, representing The Golden Games. This was an informational item only. No Board action was required.

## **11. Basin Directors' Reports**

### **a. Colorado River (Mainstem) Basin Director's Report**

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

### **b. San Juan/San Miguel-Dolores River Basin Director's Report**

**Action:** Report by April Montgomery. This was an informational item only. No Board action was required.

### **c. Gunnison River Basin Director's Report**

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

### **d. North Platte River Basin Director's Report**

**Action:** Report by Ty Wattenberg. This was an informational item only. No Board action was required.

### **e. South Platte River Basin Director's Report**

**Action:** Report by Diane Hoppe. This was an informational item only. No Board action was required.

### **f. Arkansas River Basin Director's Report**

**Action:** Report by Alan Hamel. This was an informational item only. No Board action was required.

### **g. City and County of Denver Director's Report**

**Action:** Report by Patricia Wells. This was an informational item only. No Board action was required.

**h. Rio Grande River Basin Director's Report**

**Action:** Report by Travis Smith. This was an informational item only. No Board action was required.

**i. Yampa-White River Basin Director's Report**

**Action:** Report by Jay Gallagher. This was an informational item only. No Board action was required.

**12. Directors' Reports**

**a. Department of Natural Resources Executive Director**

**Action:** Report by Lauren Ris. This was an informational Item only. No Board action was required.

**b. Interbasin Compact Committee Director**

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

**c. Agriculture Commissioner**

**Action:** The Department of Agriculture did not provide a report.

**d. Colorado Water Conservation Board Director**

**Action:** Report by James Eklund. 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:** The Division of Parks and Wildlife did not provide a report.

**g. Water Recourse and Power Development Authority**

**Action:** Report submitted by letter to the Board. This was an informational item only. No Board action was required.

### 13. WSRA Grants

#### *Water Supply Planning Section*

- a. Arkansas - Lower Arkansas Valley Water Conservancy District: Basin Implementation Plan - Phase 2

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$209,200 from the Arkansas Basin Account; and \$104,600 from the Statewide Account to help fund the project titled: Arkansas Basin Implementation Plan - Phase 2.

- b. Arkansas - Southeastern Colorado Water Conservancy District: Basin Implementation Plan - Modeling & Shortage Analysis

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$70,000 from the Arkansas Basin Account; and \$70,000 from the Statewide Account to help fund the project titled: Arkansas Basin Implementation Plan -Modeling & Shortage Analysis.

- c. Arkansas - Lower Arkansas Valley Water Conservancy District: FIRI Analysis and Tailwater Return Flow Study on Fort Lyon Canal

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$30,000 from the Arkansas Basin Account and \$145,137 from the Statewide account to help fund the study titled: FIRI Analysis and Tailwater Return Flow Study on Fort Lyon Canal.

- d. Arkansas - El Paso County: El Paso County Groundwater Quality Study Phase 2C

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$10,000 from the Arkansas Basin Account and \$41,933 from the Statewide Account to help complete the study titled: El Paso County Groundwater Quality Study Phase 2c.

- e. Colorado - Blue River Watershed Group: Tenmile Creek Restoration



**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Russell George, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval upon the condition of addressing concerns specified below in the Issues/Additional Needs section of up to \$13,750 from the Colorado Basin Account and \$261,250 from the Statewide account to help fund the project titled: Tenmile Creek Restoration Project.

f. Gunnison - West Reservoir and Ditch: Company West Reservoir No.1 Outlet Pipe Replacement

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by John McClow, which was seconded by Jay Gallagher. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends conditional approval contingent upon the applicant satisfying the concerns as identified in the Issues/Additional Needs section of up to \$50,000 from the Gunnison Basin Account and \$175,658 from the Statewide account to help fund the project titled: West Reservoir No.1 Outlet Pipe Replacement, contingent upon the applicant successfully qualifying for a loan from CWCB for the remainder of the project costs (\$146,997).

g. Gunnison - Gunnison County: Repair of Gunnison Whitewater Park

**Action:** Presentation by staff member Craig Godbout. John Messner, from Gunnison County, addressed the Board. A motion to approve the staff recommendation was made by John McClow, which was seconded by Alan Hamel. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$10,000 from the Gunnison Basin Account to help complete the project titled: Repair of Gunnison Whitewater Park.

h. Metro - Greenway Foundation: 8th Ave to 20th Street Floodplain Mitigation

**Action:** Presentations by staff members Craig Godbout and Tom Browning. A motion to approve the staff recommendation was made by Patricia Wells, which was seconded by Russell George. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$150,000 from the Metro Basin Account; and \$300,000 from the Statewide Account to help fund the project titled: 8th Avenue to 20th Street In-River, Recreation and Environmental Improvements and Floodplain Mitigation.

- i. Metro/South Platte - Elbert County: Rural Elbert County Groundwater-Level Monitoring Network

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

**Staff Recommendation:** Staff recommends approval of up to \$12,000 from the Metro Account; \$6,000 from the South Platte Basin Account; and \$96,500 from the Statewide Account to fund the study titled: Elbert County Groundwater-Level Monitoring Network.

- j. Metro/South Platte - Elbert County: Elbert County Rural Water Supply Study

**Action:** This item was removed from the agenda. No Board action was taken.

- k. Metro/South Platte - South Ledge Ditch Company & Meadows Ditch Company: Meadow and South Ledge Diversion Reconstruction and Fish Passage Project

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Diane Hoppe, which was seconded by Alan Hamel. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends conditional approval (contingent upon the applicant successfully addressing concerns specified below in the Issues/Additional Needs section) of up to \$4,250 from the Metro Account; \$4,250 from the South Platte Basin Account; and \$161,500 from the Statewide Account to help fund the project titled: Meadow and South Ledge Diversion Reconstruction and Fish Passage Demonstration Project.

- l. North Platte - Colorado Climate Center - CSU: Re-establishment of Lysimeters in North Park to Determine High Altitude Hay Meadow Crop Coefficients

**Action:** Presentation by staff member Craig Godbout. Wendy Ryan, of the Colorado Climate Center, addressed the Board. A motion to approve the staff recommendation was made by Ty Wattenberg, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$97,051 from the North Platte Basin Account; and \$97,051 from the Statewide Account to help complete the project titled: Re-establishment of Lysimeters in North Park to Determine High Altitude, Hay Meadow Crop Coefficients.

- m. Rio Grande - Colorado Rio Grande: Restoration Foundation Basin Implementation Plan - Phase 2

**Action:** Presentation by staff member Craig Godbout. Mike Gibson, chair of the Rio Grande Basin Roundtable, addressed the Board. A motion to approve the staff recommendation was made by Travis Smith, which was seconded by Alan Hamel. The motion was approved

unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$76,000 from the Rio Grande Basin Account, and \$39,000 from the Statewide Account and to help complete the project titled: Rio Grande Basin Implementation Plan - Phase 2.

n. Southwest - Harris Water Engineering: Basin Implementation Plan - Phase 2

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

**Staff Recommendation:** Staff recommends approval of up to \$24,000 from the Southwest Basin Account; and \$12,000 from the Statewide Account to help complete the project titled: Southwest Basin Implementation Plan- Phase 2

o. Southwest - Trout Unlimited: Redburn Ranch Diversion Dam Project

**Action:** Presentation by staff member Craig Godbout. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Jay Gallagher. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends approval of up to \$50,000 from the Southwest Basin Account and \$98,500 from the Statewide Account to help fund the project titled: Redburn Ranch Diversion Dam Project.

p. Southwest - Thompson Epperson Ditch Company: Thompson Epperson Ditch Stabilization

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

**Staff Recommendation:** Staff recommends approval of up to \$30,000 from the Southwest Basin Account to help complete the project titled: Thompson-Epperson Ditch Stabilization.

q. South Platte - CSU: Economic Analysis and Design of Policies to Reduce Colorado's Groundwater Use in the Northern High Plains Ground Water Basin

**Action:** Presentation by staff member Craig Godbout. Chris Gomez, from Colorado State University, addressed the Board. A motion to approve the staff recommendation was made by Diane Hoppe, which was seconded by Alan Hamel. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends conditional approval (contingent upon the applicant or program sponsor satisfying concerns addressed in the Issues/Additional Needs section of this summary) of up to \$7,994 from the South Platte Basin Account; and \$151,888

from the Statewide Account to help fund the study titled: Economic Analysis and Design of Policies to Reduce Colorado's Groundwater Use in the Northern High Plains Ground Water Basin.

#### **14. Animas-La Plata (A-LP) Update**

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

#### **15. Royal Gorge Wildfire Water Supply Protection Project Update**

**Action:** Introduction by staff member Kevin Houck, presentation by Bob Hartsman from the Bureau of Land Management. This was an informational item only. No Board action was required.

#### **16. Regional Conservation Partnership Program Letter**

**Action:** Presentation by staff member Ted Kowalski. Dave Kanzer, Senior Water Resource Engineer at the Colorado River District, addressed the Board. A motion to approve the staff recommendation was made by John McClow, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve letters of support for the three Colorado applicants for grant funding through the Regional Conservation Partnership Program.

#### **17. Proposed Acquisition of Interest in Water on the Little Cimarron River**

**Action:** Presentation by staff member Linda Bassi. Amy Beatie, Executive Director for the Colorado Water Trust, addressed the Board. A motion to approve the staff recommendation was made by John McClow, which was seconded by Travis Smith. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff Recommends that the Board:

1. Conclude that the proposed acquisition by purchase of the Grant of Flow Restoration Use of the CWT McKinley Shares is appropriate to preserve and improve the natural environments of the Little Cimarron and the Cimarron River to a reasonable degree.
2. Determine that the acquired Grant of Flow Restoration Use of the CWT McKinley Shares would be best utilized by: (a) using it to improve the Little Cimarron River from the ditch headgate to the confluence with the Cimarron River; and (b) combining it with the Board's existing decreed ISF water right on the Cimarron River to preserve the natural environment by maintaining up to 16 cfs, the amount decreed in Case No. 84CW398, and to improve the natural environment by providing flows above that amount;
3. Approve the purchase of the Grant of Flow Restoration Use of the CWT McKinley Shares from the CWT;

4. Determine that the benefit to the natural environment of the Little Cimarron and the Cimarron River from this acquisition during the irrigation season outweighs the potential detriment to the natural environment that could result in some years from unmaintained lagged return flows of up to 0.22 cfs on the Cimarron River.
5. Authorize the Director to execute the Water Rights Acquisition Agreement and accept the Grant of Flow Restoration Use;
6. Pursuant to section 37-60-123.7, C.R.S., authorize the expenditure and payment to the CWT of \$145,640 for the purchase of the McKinley Ditch Flow Restoration Use Right; and
7. Direct staff to work with CWT and the Attorney General's Office to file a water court application to change the use of the acquired water right to add instream flow use.

#### **18. Colorado River Salinity Control Technical Assistance Grants Review and Approve RFP Criteria**

**Action:** Presentation by staff member Steve Miller. A motion to approve the staff recommendation was made by Russell George, which was seconded by Alan Hamel. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve the Gunnison Basin Salinity Control Technical Assistance Program Grant Guidance document and authorize staff to solicit proposals and select participants.

#### **19. Upper Colorado River Commission Update**

**Action:** Presentation by Board member John McClow and staff member Ted Kowalski. This was an informational item only. No Board action was required.

#### **20. 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.

#### **21. Executive Session**

**Action:** Under the Colorado Open Meetings Act, C.R.S. Section 24-6-402(3)(a)(II), a motion was made by Alan Hamel for the Board to go into executive session for the discussion of agenda items 18.a. through 18.c. The motion was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

- a. Case No. 1-05CW025 (W-232, 79CW306): Application of Colorado Water Conservation Board (Bear Creek Lake)
- b. Case No. 5-11CW152: Application of City and County of Denver, Grand County and CWCB
- c. Colorado River Issues and Legal Questions

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

## **22. 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 21.a. through 21.c., and that the discussion was limited to those items only, with no action taken.

## **23. Catlin Canal Fallowing - Leasing Project**

**Action:** Presentation by staff member Tom Browning. Jay Winner, Executive Director at the Lower Arkansas Valley Water Conservancy Distirct, addressed the Board. A motion to approve the staff recommendation was made by Alan Hamel, which was seconded by Diane Hoppe. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve the Catlin Pilot Project Proposal for formal selection as an eligible pilot project within the Arkansas River Basin. Staff further recommends that the Board encourage the project proponent to use the attached *fallowing-leasing pilot project checklist* to develop a complete application for future review by the CWCB.

A motion to adjourn was made by Alan Hamel, which was seconded by Ty Wattenberg. The motion was approved unanimously (9-0).