



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

James Eklund
CWCB Director

March 18-19, 2015 Board Meeting Agenda

A meeting of the CWCB will be held on Wednesday, March 18, 2015 commencing at 8:30 AM and continuing through Thursday, March 19, 2015. This meeting will be held in Broomfield, CO at the Department of Agriculture, 305 Interlocken Parkway, Broomfield, CO 80021.

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 mara.mackillop@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 Mara MacKillop 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).



Wednesday, March 18, 2015

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|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8:30 | CWCB Call to Order and Pledge of Allegiance |
| 8:30 - 8:45 | 1. Board Reappointment & Election of Officers |
| 8:45 - 8:48 | 2. Review and Approve Agenda |
| 8:48 - 8:50 | 3. Review and Approve January 26-27, 2015 Board Meeting Minutes |
| 8:50 - 8:53 | 4. Approve and/or Remove Consent Agenda Items |
| 8:53 - 8:55 | 5. Future Board Meeting Dates in 2015 <ul style="list-style-type: none">a. May 20 & 21 Sterlingb. July 15 & 16 Southwest Coloradoc. September 16 & 17 Montrosed. November 18 & 19 TBD |
| 8:55 - 9:45 | 6. Directors' Reports <ul style="list-style-type: none">a. DNR Executive Directorb. IBCC Directorc. Agriculture Commissionerd. CWCB Directore. State Engineerf. Division of Parks and Wildlife Directorg. Water Resource and Power Development Authority |
| 9:45 - 10:00 | 7. Wild and Scenic Rivers Update <i>Interstate, Federal, & Water Information Section</i> |
| 10:00 - 10:10 | 8. Request for Authorization to Proceed to Trial in Case No. 1- 12CW87 (Application of Eldora Enterprises, LLC and Mountain Lease Enterprises, LLC) <i>Stream & Lake Protection Section</i> |
| 10:10 - 10:15 | 9. Attorney General's Report, Legal Briefing, and Executive Session |
| 10:15 - 10:30 | BREAK |

10:30 - 11:40

10. Executive Session

- a. Chatfield Reservoir Reallocation Project
- b. Case No. 1-12CW87: Application of Eldora Enterprises LLC and Mountain Lease Enterprises, LLC
- c. Case No. 5-13CW3094: Application of the Town of Breckenridge
- d. Colorado River legal issues
- e. Rio Grande River interstate litigation update
- f. Republican River interstate litigation update

11:40 - 11:45

11. Report from Executive Session

11:45 - 12:00

12. Proposed Acquisition of Contractual Interest in Water on the 15 Mile Reach of the Colorado River, Water Division 5
Stream & Lake Protection Section

12:00 - 1:15

LUNCH

1:15 - 1:30

13. Notice of Instream Flow and Natural Lake Level Appropriation Recommendations for 2016
Stream & Lake Protection Section

| Div | Name | County | Recommender(s) |
|-----|-----------------------------------------------------------------------------------------------------|-------------|--------------------------|
| 1 | Coal Creek* (Boundary of Open Space to Wastewater Outfall) | Boulder | City of Louisville & CPW |
| 1 | Coal Creek* (Wastewater Outfall to confl. Lafayette PS No. 2) | Boulder | City of Louisville & CPW |
| 1 | Duck Creek (Outlet of Lower Square Lake to inlet of Duck Lake) | Clear Creek | CPW and Park County |
| 1 | Lower Square Top Lake | Clear Creek | CPW and Park County |
| 1 | Upper Square Top Lake | Clear Creek | CPW and Park County |
| 1 | North Clear Creek* (Confl. Chase Creek to Outlet Water Treatment Plant) | Gilpin | CPW & CDPHE |
| 1 | North Clear Creek* (Outlet Water Treatment Plant to confl. Clear Creek) | Gilpin | CPW & CDPHE |
| 1 | Boxelder Creek* (Confl. of North and South Box Elder Creek to confl. Slab Canyon Wash) | Larimer | Ft. Collins and CPW |
| 1 | Lone Tree Creek* (Section 29 Township 12N Range 67W to Section 31 Township 12N Range 67W) | Weld | Ft. Collins and CPW |
| 1 | Sand Creek* (Colorado-Wyoming Boundary to confl. Boxelder Creek) | Larimer | Ft. Collins and CPW |

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|---|-----------------------------------------------------------------------------------------|--------------------------|----------------------|
| 1 | Balm of Gilead Creek (Headwaters to BLM Property Boundary) | Park | BLM |
| 1 | Indian Creek (Headwaters to confl. of Willow Gulch) | Park | CPW and Park County |
| 1 | McCurdy Creek (Headwaters to confl. Lost Creek) | Park | CPW and Park County |
| 1 | Platte Gulch (Headwaters to confl. Middle Fork South Platte River) | Park | CPW and Park County |
| 1 | Pruden Creek (Headwaters to Pruden Ditch Hdgt.) | Park | BLM |
| 1 | Rock Creek (Headwaters to confl. Natural Falls) | Park | CPW and Park County |
| 1 | Unnamed Tributary (Headwaters to confl. Rough and Tumbling Creek) | Park | CPW and Park County |
| 1 | West Fork Tributary of Crooked Creek (Headwaters to confl. Crooked Creek) | Park | CPW and Park County |
| 2 | East Fork Turkey Creek (Headwaters to confl. East & West Turkey Creeks) | El Paso, Teller | BLM |
| 2 | Turkey Creek (Confl. East & West Turkey Creek to State Highway 115) | El Paso | BLM |
| 2 | West Fork Turkey Creek (Headwaters to confl. East & West Turkey Creeks) | El Paso, Fremont, Teller | BLM |
| 2 | Beaver Creek* (Confl. East Beaver Creek to confl. unnamed tributary) | Fremont | CPW |
| 2 | West Beaver Creek* (Confl. Douglas Gulch to confl. East Beaver Creek) | Fremont, Teller | CPW |
| 2 | Baker Creek* (Headwaters to Forest Service Boundary) | Huerfano | CPW |
| 2 | Bonnett Creek* (Headwaters to Forest Service Boundary) | Huerfano | CPW |
| 2 | Apishapa River* (Headwaters to confl. Herlick Canyon) | Las Animas | CPW |
| 2 | Arkansas River* (Outlet of Fish Hatchery to confl. Fountain Creek) | Pueblo | CPW & City of Pueblo |
| 4 | Fourth of July Creek (Headwaters to Carris Thompson Ditch Hdgt.) | Gunnison, Hinsdale | BLM |
| 4 | Little Cimarron River (Increase)* (Confl. Firebox Creek to Butte Ditch Hdgt.) | Gunnison | BLM & CPW |
| 4 | Kelso Creek* (Headwaters to confl. unnamed tributary) | Mesa | USFS |
| 4 | Cow Creek (Forest Service Boundary to confl. Uncompahgre River) | Ouray | CPW |
| 5 | Abrams Creek (Increase) (Headwaters to Mrs. Paye Ditch Hdgt.) | Eagle | BLM |
| 5 | Dry Fork Roan Creek* (Confl. South & North Dry Fork to confl. Roan Creek) | Garfield | BLM |
| 5 | Morgan Gulch (Headwaters to confl. Williams Fork River) | Grand | BLM |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------|-----|
| 5 | East Hawxhurst Creek (Outlet of Hawxhurst Reservoir to confl. to West Hawxhurst Creek) | Mesa | BLM |
| 5 | West Hawxhurst Creek (Headwaters to confl. to East Hawxhurst Creek) | Mesa | BLM |
| 6 | Sawmill Creek* (Headwaters to Confl. North Fork Elkhead Creek) | Moffat, Routt | CPW |
| 6 | Piceance Creek* (Confl. Dry Fork Piceance Creek to confl. White River) | Rio Blanco | BLM |
| 6 | Big Canyon Creek* (Headwaters to confl. Elkhead Creek) | Routt | CPW |
| 6 | Elkhead Creek (Confl. First Creek to confl. North Fork Elkhead Creek) | Routt | CPW |
| 6 | Elkhead Creek (North Fork Elkhead Creek to inlet of Elkhead Reservoir) | Routt | CPW |
| 6 | Hole-in-the-Wall Creek* (Headwaters to confl. Elkhead Creek) | Routt | CPW |
| 6 | North Fork Elkhead Creek* (Headwaters to confl. Sawmill Creek) | Routt | CPW |
| 6 | North Fork Elkhead Creek* (Confl. Sawmill Creek to confl. Elkhead Creek) | Routt | CPW |
| 6 | Stukey Creek* (Headwaters to confl. Elkhead Creek) | Routt | CPW |
| 6 | Willow Creek* (Outlet of Steamboat Lake to confl. Beaver Creek) | Routt | CPW |
| 6 | Willow Creek* (Confl. Beaver Creek to confl. Lester Creek) | Routt | CPW |
| <p>* Recommendation received prior to 2015 BLM: Bureau of Land Management; CDPHE: Colorado Department of Public Health and Environment; CPW: Colorado Parks and Wildlife; USFS: United States Forest Service</p> | | | |

1:30 - 1:50

**14. Public Comment on 2015 New Instream Flow and Natural
Lake Level Appropriations**
Stream & Lake Protection Section

| Div | Name | County | Recommender(s) |
|-----|---------------------------------------------------------------------------------------------------------------------------------|---------|----------------------------|
| 1 | Graves Creek Colorado-Wyoming border to confl. unnamed tributary | Larimer | CPW & City of Fort Collins |
| 1 | Spottlewood Creek A point at UTM North: 4537937.85 East: 495521.89 to a point at UTM North 4534887.62 East: 498663.70 | Larimer | CPW & City of Fort Collins |
| 1 | Spottlewood Lake 1 UTM North: 4524450.31 East: 500088.64 (NAD 1983 Zone 13 North) | Larimer | CPW & City of Fort Collins |
| 1 | Spottlewood Lake 2 UTM North: 4524806.62 East: 500159.81 (NAD 1983 Zone 13 North) | Larimer | CPW & City of Fort Collins |

| | | | |
|---|-------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------|
| 1 | Spottlewood Lake 3 UTM North: 4524786.50 East: 500226.24 (NAD 1983 Zone 13 North) | Larimer | CPW & City of Fort Collins |
| 1 | Spottlewood Lake 4 UTM North: 4524912.38 East: 500530.95 (NAD 1983 Zone 13 North) | Larimer | CPW & City of Fort Collins |
| 4 | Alkali Creek Headwaters to Lone Star Ditch Headgate | Delta | BLM |
| 4 | Hubbard Creek USFS Boundary to Deertrail Ditch Headgate | Delta | BLM |
| 4 | Terror Creek Upper Confl. East & West Terror Creeks to Terror Ditch Headgate | Delta | BLM |
| 4 | Terror Creek Lower Terror Ditch Headgate to Fire Mountain Canal | Delta | BLM |
| 4 | Schaefer Creek Headwaters to confl. Grouse Spring Creek | Gunnison | USFS |
| 5 | Timber Springs Gulch Springs Complex to BLM Property Boundary | Eagle | BLM |
| 6 | Brush Creek Headwaters to confl. East Douglas Creek | Garfield, Rio Blanco | BLM |
| 6 | East Douglas Creek Upper (Increase) Confl. Bear Park Creek to confl. Brush Creek | Garfield, Rio Blanco | BLM |
| 6 | East Douglas Creek Lower (Increase) Confl. Brush Creek to confl. Cathedral Creek | Rio Blanco | BLM |
| 6 | Soldier Creek (Increase) Confl. Right Fork & Middle Fork Soldier Creeks to confl. Cathedral Creek | Rio Blanco | BLM |
| 6 | Yellow Creek Upper Confl. Barcus Creek to confl. Lambert Springs | Rio Blanco | BLM |
| 6 | Yellow Creek Lower Confl. Lambert Springs to confl. White River | Rio Blanco | BLM |
| 6 | Armstrong Creek Lower Terminus of ISF Case No. 06CW035 to confl Elkhead Creek | Routt | CPW |
| 6 | Elkhead Creek Lower Terminus of ISF Case No. 06CW034 to confl. First Creek | Routt | CPW |

1:50 - 2:10

15. Colorado Climate Action Plan

Water Supply & Planning Section

- Overview of the directive from the Governor's office
- Time-line and plan components
- Board feedback and thoughts

2:10 - 2:40

16. Colorado Water Plan Update
Water Supply & Planning Section

2:40 - 2:55

BREAK

2:55 - 3:55

17. Water Supply Reserve Account Applications
Water Supply & Planning Section

| WSRA Grant Requests | | | |
|-------------------------------|---------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| | Basin | Applicant | Water Activity |
| a. | <i>Metro/South Platte</i> | <i>Colorado Division of Water Resources</i> | <i>Data Loggers & Telemetry Installation</i> |
| b. | <i>Metro/South Platte</i> | <i>Elbert County</i> | <i>Elbert County Rural Water Supply Study</i> |
| c. | <i>Arkansas</i> | <i>Pike's Peak Regional Water Authority</i> | <i>Preliminary Engineering Report: Area 3 Regional Water Supply Infrastructure</i> |
| d. | <i>Arkansas</i> | <i>Lower Arkansas Water Valley Conservancy District</i> | <i>Phase II, Repurposing of Water Supply for Multiple Beneficial Use</i> |
| e. | <i>Arkansas</i> | <i>Lower Arkansas Water Valley Conservancy District</i> | <i>Arkansas Basin Watershed Collaborative</i> |
| f. | <i>Colorado</i> | <i>Summit County</i> | <i>Swan River Stream Restoration</i> |
| g. | <i>Gunnison</i> | <i>Trout Unlimited</i> | <i>Elk Home Ditch Improvement & Steuben Creek Flow Restoration</i> |
| h. | <i>Gunnison</i> | <i>North Farmers Ditch</i> | <i>North Farmers Ditch Slope Repair & Stabilization</i> |
| i. | <i>Metro</i> | <i>Metropolitan State University</i> | <i>Water Diplomats: University Students & the State Water Plan</i> |
| j. | <i>Metro</i> | <i>Plum Valley Heights Sub-District of the Roxborough Water and Sanitation District</i> | <i>North West Douglas County Rural Water Project</i> |
| k. | <i>Rio Grande</i> | <i>Rio Grande Headwaters Land Trust</i> | <i>Campbell-Ridden Property & Dugan Ranch Conservation Easement Projects</i> |
| l. | <i>South Platte</i> | <i>Central Colorado Water Conservancy District</i> | <i>Water Information Dashboards for Improved Efficiency, South Platte Basin and Statewide</i> |
| m. | <i>South Platte</i> | <i>Open Water Foundation</i> | <i>Agricultural Land/Water Buffer Feasibility Analysis</i> |
| n. | <i>South Platte</i> | <i>Big Thompson Conservation District</i> | <i>Little Thompson Watershed Needs Assessment</i> |
| o. | <i>Yampa</i> | <i>Upper Yampa Water Conservancy District</i> | <i>Upper Yampa Water Conservancy District Master Planning</i> |
| Change of Fiscal Agent | | | |
| | Basin | Approved Fiscal Agent | Name of Water Activity |
| p. | <i>Colorado</i> | <i>Riverside Ranch Company</i> | <i>Riverside Ranch Irrigation Diversion & River Restoration Project</i> |

3:55 - 4:35

18. Spring Climate Outlook

*Watershed & Flood Protection, Water Supply & Planning
Sections*

4:35 - 5:00

19. Flood Affected Watersheds Hydrology Reevaluation Update

Watershed & Flood Protection

5:00

RECESS

Thursday, March 19, 2015

8:30 - 9:30

20. Basin Directors' Report

- a. Colorado River (Mainstem) 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

9:30 - 10:05

21. Developing Agroecology for Agriculture Sustainability in the San Luis Valley

Sheldon Rockey, Owner of Rockey Farms & Board representative for the San Luis Valley Irrigation District and Sub-district 1

Judy Lopez, Executive Director of the Rio Grande Conservation and Educations Initiative

- a. Collaboration and the sub-district process-aquifer decline
- b. Agroecology models
- c. Soil health project progress report

10:05 - 10:20

BREAK

10:20 - 10:30

22. Construction Fund and Severance Tax Perpetual Base Fund

Finance Section

- a. Projections and Cash Management Report

10:30 - 10:40

23. Water Project Loans

Finance Section

- a. Bow Mar Water and Sanitation District - Rehabilitation and Replacement of Water Meters

10:40 - 11:05

24. CWCB's 2015 Projects Bill Update & Revision

Finance Section

11:05 - 12:00

25. Severance Tax Operational Fund Grants

Finance Section

12:00 - 1:00

LUNCH

ADJOURN

CWCB Consent Agenda March 18-19, 2015

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. Public Deliberation Officer** *Interstate, Federal & Water Information Section*
 - The Board will be asked to designate Casey Shpall as the RICD “Public Deliberation” Officer in the following case:
 - a. Case No. 5-13CW3109: Application of the City of Glenwood Springs
- 2. Approval of Criteria and Guidelines** *Interstate, Federal & Water Information Section*
 - The Board will be asked to approve the Upper Colorado River Basin Fund Memorandum of Agreement Criteria and Guidelines for Prioritization of Projects within Colorado.
- 3. New Prequalification Loans** *Finance Section*
 - a. Plum Valley Heights Sub-District of the Roxborough Water and Sanitation District - Water Rights Purchase
 - b. Uncompahgre Valley Water Users Association - Hydroelectric Project
 - c. Lower Poudre Augmentation Company - Water Rights Purchase
- 4. Statements of Opposition** *Stream & Lake Protection Section*
 - The Board will be asked to ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights in the following water court cases:
 - a. Case No. 1-14CW3176: Application of City of Fort Collins
 - b. Case No. 3-14CW3027: Application of Expo, LLC
 - c. Case No. 3-14CW3030: Application of Blanca Potato, LLC
 - d. Case No. 4-14CW0053: Application of High Cimarron LLC
 - e. Case No. 4-14CW3084: Application of Skyland Metropolitan District
 - f. Case No. 4-14CW3086: Application of Eric Trommer
 - g. Case No. 5-14CW3129: Application of John Zabriskie, Jr. Revocable Trust and Adelaide W. Zabriskie Revocable Trust
 - h. Case No. 5-14CW3167: Application of The Town of Gypsum
 - i. Case No. 5-14CW3168: Application of Elk Wallow Ranch, LLC
 - j. Case No. 5-14CW3176: Application of WCCP1, LLC and WCCP2, LLC
 - k. Case No. 5-14CW3179: Application of Maroon Creek Limited Liability Company
 - l. Case No. 6-14CW3047: Application of Morrison Creek Metropolitan Water and Sanitation District
 - m. Case No. 7-14CW3051: Application of Rio Cabana, LLC