

MEETING NOTES
Arkansas Basin Roundtable
October 8, 2014
CSU, Pueblo; Occhiato Center

Roundtable Business

SeEtta Moss called the meeting to order at 12:30 am. Members and visitors introduced themselves. Twenty (20) members were present. There are 40 active roundtable members at this time – 20 is a quorum.

Approval of Minutes of September 10th

A motion to approve the minutes of September 10th was made, seconded, and passed unanimously.

Public Comment - none

IBCC Report – Jay Winner and Jeris Danielson

The IBCC has not met recently.

CWCB Report – Brent Newman

The CWCB met in September in Glenwood Springs. All four Arkansas Basin grant applications were approved, which leaves the Basin Fund balance at \$226,423. The next meeting is November 19-20 in Berthoud, where the draft Colorado Water Plan will be presented for approval.

The CWCB foresees the cycle going forward to be that there will be SWSI updates every 5 years or so. SWSI uses demographics and a technical platform. It will be informed by updated lists of IPPs, Project and Methods that come from the BIPs and the Colorado Water Plan.

ELECTION OF OFFICERS 2014/2015 – Jim Broderick

Proposed slate:

Chair	Jim Broderick
Co-Vice-Chair	SeEtta Moss
Co-Vice-Chair	Betty Konarski
Secretary	Terry Scanga
IBCC Rep	Jay Winner - up
IBCC Rep	Jeris Danielson

Jim asked for nominations from the floor. After discussion, Brett Gracely nominated Mike Fink for the position of IBCC Rep.

A motion was made to elect the proposed slate of candidates, excepting the IBCC position. The motion was seconded, and passed.

The IBCC representatives have staggered terms. Jay Winner's position is up for election. After a review of the bylaws, it was determined that IBCC representatives must be roundtable members.

A motion was made to approve the proposed slate of IBCC candidates. The motion was seconded and passed.

Jim Broderick and Jay Winner encouraged roundtable members to let the executive committee know if they wish to become more involved, and stated that executive committee positions had remained static in the past from apparent lack of interest.

Membership on committees is not restricted, and committees elect their own chair. The Needs Assessment Committee is an Ad Hoc Committee, and membership requirements are not addressed in the bylaws.

PRESENTATION –Trinidad North Lake Rehabilitation Project – Gil Ramirez

This presentation is available at www.arkansasbasin.com.

PEPO GRANT FOR EDUCATION – Kyle Hamilton

The State allocated PEPO money to each of the roundtables. The Education Plan has been distributed to RT members, and was approved at last month's roundtable meeting. It has now been approved by the CWCB. Activities include processing input forms during July 2014. Some funds will go toward maintaining the Ark RT website and support copying/printing expenses. The total is \$2,000.

DISCUSSION ON BIP ISSUES TO BE ADDRESSED – Kyle Hamilton (see website for presentation in its entirety)

Changes to Chapter 6 of the Colorado Water Plan

❖ **Requested edits to Chapter 6 of the Colorado Water Plan**

- *Draft BIP Section 1.0, p. 8: "Stakeholders should take all actions required to maintain current water supplies and prevent future water supply gaps from increasing by protecting water rights and adhering to the Prior Appropriation Doctrine."*
- *Table 6.2-3 Summary of How Each Basin Met Its Agricultural Gaps – Shortage now 50,000 AF in the Year 2050 for augmentation needs.*

❖ **Local Control, Land Use, and Water Supply Planning**

- C.R.S. 29-20-301 et. seq. - LOCAL GOVERNMENT REGULATION OF LAND USE, PART 3. ADEQUATE WATER SUPPLY
- Justice Gregory Hobbes, 1997: *"Today, municipal and quasi-municipal governmental entities such as water and sanitation districts, intergovernmental authorities, water conservancy and water conservation districts are the foremost actors in the water acquisition arena."*
- Sandy White's input
 - ❖ Having delegated land use control and water project development, the State has neatly set the stage for conflicts of at least two types.
 - ❖ Intragovernmental, i.e. within one local government. For example, within a single municipality, there may be separate departments for land use and for utilities.
 - ❖ Intergovernmental, i.e. between two or more local governments. Conflicts sometimes arise between competing local governments.
 - ❖ If not addressed, these inherent conflicts create overwhelming obstacles for the CWP to effectively influence the type and location of water projects. It must address two issues.
 - ❖ ...within a single local government, land use decisions are consistent with water availability
 - ❖extraterritorial water projects can seldom proceed without local permission (regardless of the State executive's wish), the CWP may recommend that land use enabling legislation must be amended or that State involvement in water projects must be enhanced.
 - ❖ Recommendations
 - ❖ 1. The Arkansas Basin Roundtable encourages thoughtful integration of land use approvals with water supply planning by elected AND APPOINTED officials of local governments.
 - ❖ 2. The Arkansas Basin Roundtable encourages engagement with local entities and interests at the earliest possible time in the development of water resource development projects of all types.

- ❖ 3. The Arkansas Basin Roundtable acknowledges that “one size does not fit all” with respect to municipal water efficiency [conservation], but strongly encourages land use authorities to integrate water efficiency measures in all future land use approvals.
 - ❖ 4. SINCE WATER PROJECT DEVELOPMENT INVOLVING ANY KIND OF CONSTRUCTION IS TYPICALLY DEPENDENT ON RECEIVING LAND USE APPROVALS FROM THE APPROPRIATE LOCAL GOVERNMENT(S), PROJECT SPONSORS MUST REALIZE THAT THE PROJECT SHOULD BE DESIGNED AND OPERATED TO SATISFY THE REGULATORY REQUIREMENTS OF THE HOST GOVERNMENT.
- **The Value of Ag Water (see graphics on web)**
 - **The Future of Ag Efficiency (see graphics on web)**
 - ❖ City of Thornton v. Bijou Irrigation Company, 1996: “Junior appropriators with vested rights in underground water tributary to a natural stream are entitled to protection against injury resulting in another water user’s change of rights.”
 - ❖ Orr v. Arapahoe Water & Sanitation District, 1988: “Junior appropriators have a vested right to the continuation of stream conditions as they existed at the time of their appropriations..”
 - ❖ Statutory definitions of saved, salvaged, and conserved water should be provided.
 - ❖ Statutory clarification of the legality to transfer conserved CU water should be provided.
 - ❖ If legislation is enacted, the state will need to develop administrative means to track and allocate conserved water and ensure compliance.
 - ❖ The state should undertake irrigation water conservation demonstration and pilot projects in each basin.
 - ❖ The state should conduct an in depth basin-by-basin analysis of the opportunities for agricultural water conservation.

Roundtable members discussed proposed changes to Chapter 6 of the CWP. Members were in consensus that the qualifier “private” be dropped from the statement regarding water rights. Brent will make that change. Discussion continued regarding Land use, local control, and other issues. We will return to the Ag portion of the policy discussion.

PRESENTATION: COLORADO’S WATER PLAN & SWSI – Brent Newman (see website for presentation)

WATERSHED HEALTH COALITION

In the wake of catastrophic wildfires and flooding in 2012 and 2013, the Colorado Water Conservation Board (CWCB) identified watershed health and resiliency as an essential part of protecting Colorado’s water resources. At its July 23, 2013 meeting, the CWCB directed River Basin Roundtables to include Watershed Health in the development of their Basin Implementation Plans (BIPs). In response, the Arkansas Basin Roundtable (ABR) formed the Watershed Health Basin Plan Working Group (Working Group) to bring land management agencies and water supply stakeholders together to identify mutual risks, shared objectives, and management strategies to better protect the Arkansas River Basin’s water supply for current and future consumptive and non-consumptive uses.

The Working Group reached several key conclusions including the need for collaboration with other stakeholders to better effect landscape-scale solutions to address watershed health issues. Collaboration through the formation of watershed coalitions is a specific recommendation of the Working Group.

Since Phase I of the BIP was completed, and working group has expanded and met again, to explore the formation of a coalition or coalitions within the Arkansas Basin. This group will continue to meet and will return to the Roundtable with their findings.

OTHER BUSINESS

- Next Meeting – November 12th, 12:30 pm, Otero Junior College, La Junta, CO.
- Adjourn

Links:

Information regarding the Arkansas Basin, including meeting agendas, minutes and presentations may be found on our website, at: www.arkansasbasin.com . A link to the draft Arkansas Basin Implementation Plan may also be found there.

Information regarding water in Colorado may be found at: <http://cwcb.state.co.us/Pages/CWCBHome.aspx>

Information regarding Colorado's Water Plan may be found at: <http://coloradowaterplan.com/>