

IBCC Colorado River Basin

1. **January 26, 2015 – Shoshone Call discussion led by Xcel; Tamarisk Coalition presentation regarding work in Mesa and Delta Counties; Discussion of Basin Implementation Plan rewrite.**
1. **Next Meeting: February 23, 2015, Glenwood Springs Community Center, 12:00 – 4:00.**
2. **Reporter:** These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, kenransford@comcast.net.
3. **Upcoming Meetings:**
 - a. February 2, 2015, Meeting with Gunnison RT representatives to draft a joint West Slope response to the 7 Point Conceptual Agreement.
 - b. Feb 11, 18, 25: Colorado Mesa University – The Water Center will present a course on Colorado Water Law with an agricultural emphasis. February 25 will address the future of irrigated agriculture. These will be live streamed and available for viewing from a computer from 6-9 PM each of these evenings.
 - c. March 5 Roaring Fork Collaborative meeting – Discuss 3 recommended projects in this Roaring Fork Valley.
 - d. March 12, 2105, All Basin Roundtable meeting in Denver
4. **CBRT Members Present:** Kim Albertson, Art Bowles, Caroline Bradford, Stan Cazier, Lurline Underbrink Curran, Carlyle Carrier, David Graf, Karl Hanlon, Mark Hermundstad, Bruce Hutchins, Diane Johnson, Mike McDill, Louis Meyer, Merrit Linke, Kristen Manguso from Grand Junction, Ken Neubecker, Chuck Ogilby, Ken Ransford, Rachel Richards, Mel Rettig, Steve Ryken, Karn Stiegelmeier, Mike Wageck, Lane Wyatt, Bob Zanella
5. **Guests:** Steven Aquafresca, Paul Bruchez, Steve Child, Frank Daley-Colo. Cattlemen's Assoc., Brian Deeter-JUB Eng., Sara Dunn-Bookcliff CD, Angie Fowler, Brent Gardner Smith, Mark Harris-GVWUA, Jamie Harrison, Dick Hart, Hannah Holm-CMU, Bill Jochems, Eric Kuhn, Brendon Langerhoizen-SGM, Heather Lewin-RFC, Holly Loff-Eagle River Watershed Council, Dave Merritt, Peter Mueller-TNC, Brent Newman-CWCB, Laurie Rink-Middle Colorado Watershed Council, Jim Shaw-BRWG, Lisa Tasker-Pitkin County Healthy Rivers Board
6. **Grant request – Colorado Storm Water Council Educational Campaign.** The CBRT Roundtable was asked to **contribute \$25,000 toward an educational campaign** focusing on home fertilizer and pesticide use, pet waste, trash management, and disposal of home auto fluids. The applicant is asking for \$175,000 from the other roundtables and \$200,000 from the statewide Water Supply Reserve Accounts account as well (**\$400,000**)

total from WSRA accounts). The CBRT grant committee rate the project at .38; most projects we approve have scores between .45 and .65. **The grant request was tabled, and not voted on.** Angie Fowler said we need consistent messaging about disposal of household products into our water systems and there is a real need for this. Rachel Richards suggested the Colorado Dep't of Public Health and the Environment should be doing this, rather than asking us for funding.

- a. Caroline Bradford recommended that we ask the larger water providers in the CBRT Basin to participate and coordinate this program.
 - b. Lane Wyatt – The EPA can fund this through their 319 program administered under the Clean Water Act.
7. Grant Request to **restore Swan River in Summit County** - \$926,000 has been requested from the Statewide WSRA fund, and **\$48,750 from the CBRT WSRA fund**. There is over \$400,000 in the CBRT WSRA fund currently. **Stan Cazier moved to approve and Ken Neubecker seconded it.** Summit County Commissioner Karn Stieglemeier described the project – toxic metal waste from historic mining needs to be removed, a vestige from dredging and hydraulic mining activities that overturned the entire riverbed in the 1800s. The project could restore trout habitat and Summit County will also acquire water rights for the project. The motion **passed unanimously**.
8. Mark Harrison, General Manager of the **Grand Valley Water User's Association**, described an upcoming grant request for \$45,000 from the CBRT WSRA account to update their **stream management plan**. It operates the Roller Dam in Debeque Canyon, where the Government High Line Canal takes water from the river for delivery to Grand Valley where Grand Junction lies. The **Cameo Call** is at this dam, and the area it serves goes almost to the Utah state line. Diverted water goes through a fish screen and 2 tunnels until it reaches Tunnel 3, where some of the water is diverted to the east side of the river for Orchard Mesa. **About 40% of the canals are lined and most delivery systems are pressurized.**
- a. Funding for the stream management plan will come from a Bureau of Reclamation Field Services \$25,000 Grant, and \$10,000 from the GVVUA. Non-consumptive uses will benefit from the plan update. No negative consequences have been identified.
 - b. **Increased efficiency.** This could lead to water efficiency savings; 46,000 af were achieved in through earlier improvements in the system.
 - c. Non-consumptive uses – **improved wildlife habitat, recreational uses** resulting from increased stream flows.

- d. **The Cameo Call irrigates 39,000 acres**, 24,000 off the Gov't Highline, and 15,000 in Mesa County, Palisade, and Orchard Mesa Irrigation Districts. The plan will address how to continue these historic benefits, and also adapt to 21st Century environmental and recreation demands.
 - e. **The Grand Valley Water User's Association** recognizes the demographic changes in Grand Junction and increasing interest in river health. They **believe in climate change**, and don't think it's a liberal plot. Harrison believes that it's important to consider potential risks and outcomes of climate change.
 - f. In recent years, GVWUA has spent \$250,000 improving the Stub Pump, and over \$1 million on the Roller Dam improvements. GVWUA is a strong supporter of agreements like the CRCA. **Much of the canal remains unlined or has to be fixed**; future rehabilitation of the roller dams will also be necessary.
 - g. GVWUA has contributed \$20,000 in cash and in-kind labor valued at \$50 per hour; over the next 16 months, GVWUA expects to put in another \$25,000 in GVWUA staff time.
 - h. GVWUA will ask for \$25,000 funding from the CBRT, and \$100,000 from the statewide water reserve account for \$125,000 total. Updating the plan will take 12-18 months.
 - i. Mike McDill commented that this is akin to developing an asset management plan, and a likely outcome will be that **\$10-\$20 million is needed for improvements**. Where will that funding come from? Harrison said the **environmental community may contribute if there's water savings available for the river. The GVWUA and BuRec will be asked to help fund improvements**. The roller dam has exceeded its useful life already.
 - j. This plan will address alternative agricultural transfer methods (ATMs), intentionally created surplus, and water banking.
 - k. Eric Kuhn – The Cameo Call is a 730 cfs water right with about the same priority as Shoshone (1905). This is a very important project to support because it is such a senior water right. This is a pre-1922 Compact right.
9. Bill Jochems, a member of the Pitkin County Healthy Stream Board, **requested the CBRT Roundtable's help in sponsoring a panel to consider changes to Colorado water law** that could increase incentives to leave water in the river. The CBRT was supportive, and the panel is tentatively planned for April or May of 2015.
- a. The Healthy Streams Board is a citizen's board in the RF Watershed; the service area also includes the Fryingpan and Crystal Rivers. Pitkin County voters passed

a bill in 2008 to impose a sales tax increase to improve water quality and quantity throughout the watershed. The BOCC has the final word over how funds are spent.

- b. Initially **the HSB provided funding for studies to determine unhealthy areas in the watershed.** Studies were done on Roaring Fork River above Aspen, the Fryingpan, Coal Creek, and Crystal River; these coupled with Roaring Fork Watershed Plan produced by the Roaring Fork Conservancy (with CBRT funding) have given a good picture of stream health.
- c. The Healthy Stream Board can purchase water rights and transfer instream flows to the CWCB. They transferred a Maroon Creek water right that used to irrigate land now occupied by the airport to a trust as an instream flow on the Roaring Fork River to the CWCB.
- d. The Healthy Streams Board cooperated with Aspen to clean up storm water and snowmelt flowing off of streets untreated into the river – they created settling tanks and wetlands to treat the water before it flushed into the river. (As it turns out, this requires a water right adjudication and necessitates a water court change case proceeding according to a recent missive from the State Engineer; Eric Kuhn was critical of this at the recent Colorado Water Congress annual meeting in Denver on January 29.)
- e. Recently the HSB made a grant to the East Mesa Ditch to fix a portion of the ditch that caved in (the CBRT also made a \$50,000 grant in January 2014 for this project).
- f. But, the Healthy Streams Board also wishes it could do more. **Colorado water law has frustrated the HSB since it is based on taking water out of streams.** It has tried to address irrigation efficiencies, but inevitably a water lawyer tells the client he must use it or lose it, and that typically ends the discussion. The great expense of water court intimidates all but the richest participants.
 - i. Jochem said, “We realize that Colorado water law is long established, and that change could only be made with widespread support from water right owners.”
 - ii. He requested the CBRT help host a panel discussions on this topic.
 - iii. **Louis Meyer said that of the 6 themes in the CBRT Basin Implementation Plan, one stated goal is to improve the water court process.** Another BIP recommendation is to convene a symposium on improving the Colorado water law process.

- g. Rachel Richards said that the NWCOG Water Quality and Quantity Committee has begun a dialogue with Front Range mayors and City Councils to discuss land use. There's no real connection between water and land use in many planning departments. How do we break down the silos between water providers, land planners, and city officials who make decisions? Rachel said this is a similar concept – come up with tools to protect stream health. This would be a useful dialogue to have.
- h. Kim Albertson said **the right to object in water court proceedings should be protected.**
- 10. **Officer slate – Jim Pokrandt chair, Karn Stiegelmeier Vice-chair, Stan Cazier and Carlyle Currier - IBCC Reps, and Ken Ransford Secretary.** Mel Rettig motioned to approve, Kim Albertson seconded, it **passed unanimously.**
- 11. Greg Trainor is interested in representing Mesa County at Roundtable meetings. Mark Hermundstadt said he would contact the Mesa County municipalities for a recommendation.
- 12. **Mel Rettig, the agricultural representative for the CBRT since 2005, is resigning.** This position is open. If someone wants to apply, they could contact Jim Pokrandt. Karn Stiegelmeier commended Mel for his service on the Roundtable and emphasized how important Mel has been since 2005.
- 13. The Bluestone Water Conservancy District and Marble as a Gunnison County municipality are 2 additional vacancies that can be filled.
- 14. Merritt Linke, Grand County BOCC member, is the official Grand County representative.
- 15. **Future agenda items for discussion in 2015.**
 - a. Caroline Bradford recommended that we **invite the South Platte RT to describe new appropriations from the Colorado Basin.**
 - b. Louis Meyer mentioned **the 6 themes in our BIP** – Starting with the basin wide Stream Management Plan, let's talk about these 1 at a time in more depth. The Roundtable agreed to focus on these 6 themes at the next 2 Roundtable meetings.
 - i. There are 4 goals under each theme, and 2 dozen specific actions. These total to 500-1,000 actions. We can do some of these in CBRT meetings.
 - c. South Platte RT meetings – Ken Neubecker recommended that **we should send someone from the CBRT to the South Platte RT meetings.**

- d. Rachel – let's **focus on specific comments to make about the State Water Plan.**
 - e. Brent Newman can update the CBRT about the State Water Plan and where it refers to the CBRT. This should be for February.
 - f. Steve Child recommended a **legislative update of water bills.** This could be a standard part of our next few meetings. Chris Treese can do this.
 - g. Karl Hanlon - **February should be about the State Water Plan.**
 - i. Chapters 3 (BIP thumbnail descriptions), 6, 7 (watershed health), 8 (Conceptual Agreement), 9 and 5 are the heart of the State Water Plan. Chapter 11 will include legislative recommendations.
 - ii. There are a list of actions at the end of each chapter. The CWCB wants to hear about those.
 - iii. The State Water Plan is available at *ColoradoWaterplan.com*.
 - h. Rachel Richards asked about two recent 125,000 af filings for oil shale development. An article in the Denver Post Perspectives section on January 18, 2015, referred to this. **EXXON and another company (Chevron?) each made 125,000 af filings on the Colorado River. Mark Hermundstadt said these aren't new filings, they're existing conditional water rights.**
 - i. **Land and water nexus** – Ken Ransford.
 - j. Stan Cazier - **Presentation on Colorado Water Law**, and Colorado water administration. Aaron Clay could make this presentation.
 - i. Stan mentioned that there are uncertain administration issues in the Colorado River Basin (Division 5) that someone from Alan Martellaro's office could discuss.
 - k. Mike McDill – Let's **keep the 4-basin roundtable communication going.**
 - l. Implement the **BuRec Wild and Scenic Alternative on the Upper Colorado River.**
16. Hannah Holm, BIP Outreach
- a. Hannah has a Power Point presentation that CBRT members can use to promote the Colorado Roundtable Basin Implementation Plan.

- b. Caroline Bradford – We have **\$2,000 available in grants** (PEPO Grants) every year **that can support groups** such as the Eagle River Watershed Group, Middle Colorado Watershed Group; this could **reimburse their expenses**.
17. Karl Hanlon BIP Update. The final draft of the BIP plan is due April 17, 2015.
- a. A draft will be delivered to the Executive Committee in 2 weeks.
 - b. Louis – the plan was written with a lot of public input. The public hasn't been able to impact the plan since last June. There's no public process to add input into this plan. That takes time, so be sure to allow time for this.
 - c. Jim Pokrandt said **the BIP rewrite is a grammatical, organizational edit, and not a substantive one** with the following changes:
 - i. Changing to an 8.5 x 11 format
 - ii. Tiering projects
 - iii. Modeling stream flows.
 - d. **Merritt Linke** – Grand County sent a letter to Governor Hickenlooper. **It took 8 years to come up with a document between Grand County and Northern**, and we don't have enough time to come up with a good BIP. **We should ask the Governor for more time.**
 - e. **Lurline Curran Underbrink** seconded that we should ask for more time because **the process is too rushed**. These time frames are not fitting the work we have to do. We need more time. We don't know what "risk" means. We need more time; it's hard to update plans. It will be hard to muster energy to do this in the future.
 - f. Brent Newman - we have a cycle – Update SWSI, update BIPs, update State Water Plan. This cycle will be ongoing. The Gunnison Basin has an ongoing grant with the contractor to implement the projects in the plan.
 - g. Lurline – This is like a land use master plan. The BOCC asks if projects comply with the master plan, and **future water projects in the Colorado River Basin will be tested for compliance with the Basin Implementation Plan.**
 - h. Jamie Harrison – We need hard deadlines set when the draft BIP will be ready for the Roundtable's review.
 - i. Peter Mueller recommended that the roundtable break into breakout groups involved in the same process that created the document in the first place.

18. **7 Point Conceptual Agreement** – Lurline, Chuck, Louis, Ken N, produced a position paper on the 7-point conceptual agreement that was presented at 4-basin meeting, **Gunnison voted unanimously to support our position**, with the recommendation that we define issues such as triggers. The Gunnison RT suggested that we should not let the state answer these questions; rather, we should answer them. **The Gunnison emphasis is agriculture** – they have more agriculture than Colorado River Basin has. The Gunnison Basin’s primary concern is how to preserve the agriculture that now exists.
- a. **Their population will grow into lands which now have irrigated agriculture, so there won’t be additional consumptive water use. The Yampa-White RT** wants the preserve the opportunity to grow more in the future, and it would like a West Slope compact that gives them **a priority right to 60,000-100,000 acre feet that would be superior to a Lower Basin Compact Call**. They are feeling like they are in a similar position to where Colorado was in 1922.
 - b. Gunnison BRT – **If you overdevelop the Colorado River Basin, you take water away from agriculture. This has happened** in Los Angeles, on the Pecos River, and **all over the West**. GBRT is concerned with hydrologic risk – overdeveloping the basic water resource means someone has to cut back. That’s their concern.
 - c. New TMDs out of Colorado River are unlikely because projects have already been built. New pumpbacks from the Yampa River or Flaming Gorge are more likely.
 - d. **A new TMD will be strictly administered under the priority system.** It would only divert **when system storage levels are high enough that it won’t create a risk of a Compact Call for the ensuing 10 years**. Eric Kuhn commented that conditions have to be so disastrous to precipitate a Compact Call that we’ll adapt ahead of time through demand management (i.e., we’ll cut back our uses before the call is made and permit more water to flow down to Lake Powell). We’ll avoid it before we get there.
 - i. **Any new TMD** will only divert when the diversion will not increase the amount of water use that existing users have to cut back, and it **cannot cause West Slope users (i.e., agriculture) to cut back even more than they already are**. If such a system had been in place since 2000, the high runoff year of **2011 would have been the only year the Front Range could have diverted any water since 2000**. The GBRT paper has wakened people to this state of affairs, and Front Range water planners think this will be a very difficult standard to meet.
 - e. **The Insurance Policy** is to manage Upper Division Consumptive Use to permit **Powell to always generate power**. GBRT wants to have a discussion on

February 2 to agree upon these definitions. Our letter recommending that the 7-point Conceptual Agreement not be included in the State Water Plan has had real world consequences. Water is a zero-sum game. This will also come up at the March 12 joint roundtable meeting. The Gunnison Basin wants to address new development by West Slope users (i.e., including the Yampa-White Basin), not just new TMDs. **Water is a zero-sum game, because any additional development increases the risk of demand management (i.e., a cutback in use by Colorado).**

- f. Rachel Richards – The insurance policy was also to address the economic impact to a community when its agriculture use declined 50%. **Rachel is concerned that a Front Range entity builds a reservoir on the West Slope, and then buys additional water rights to fill it.** The Gunnison Basin does not know how to prevent this, and says this raises the specter of local control – the GBRT says you can't tell a BOCC or farmers how to behave.
 - g. **Triggers should be specific to healthy rivers on the West Slope as well – flushing flows, minimum temperatures met.** The 7-Point Conceptual Agreement seems to mandate reduced use on the West Slope to enable another TMD.
 - h. Lurline – it's important that the West Slope adopt a unified position on the 7 points.
19. Stream flow management – Ken Neubecker and Lane Wyatt made a presentation recommending that **each river in the Colorado River Basin have a stream flow management plan. These plans don't exist now.** Lurline said that Grand County has updated its plan every year. The Grand County stream flow management plan divides the Colorado and Fraser Rivers into different sections, with triggers to identify when they are stressed because of high temperature or low flows, and what is needed to improve it. Lurline said they keep looking at these every year, it works as a master plan guiding what is needed to bring the river back to as good a condition as it can be.
- a. **We have stream management plans for the Eagle, Roaring Fork, and Colorado River through Grand County.**
 - b. A stream management plan is specific to streams, not to entire watersheds. Heather Tattersall commented that it is important to address consumptive needs to obtain their buy in.
 - c. **Deliverable – Define what a stream management plan would look like in the BIP and the state water plan.**

20. Angie passed out **the 3 top projects for each of the 6 regions in the CBRT Roundtable** area. Lane asked if they were limited to 3, and Angie said, yes. Angie said they are well advanced in the tiering project and will be done on time and on budget.
- a. **Protect the Shoshone call**– we need a sponsor for this.
 - b. **Modeling – Put together a technical committee.** We're not clear what we want to model. If we look at big numbers, you can look at Endangered Fish depletions report, water depleted by future IPPs. It involves plugging publicly available information into a spreadsheet, and is designed to show there is no more water to develop.
 - c. **Brendon Langerhoizen – We are still interviewing water providers, and only 2 of 16 have responded.**