



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

John W. Hickenlooper
Governor

Robert Randall
DNR Executive Director

Rebecca Mitchell
CWCB Director

DRAFT

Summary Minutes and Record of Decisions Nov. 14 - 15, 2018 Board Meeting

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the Marriott Denver West, located at 1717 Denver Marriott West Boulevard, Golden, CO 80401. The meeting was called to order by Chair Jim Yahn. Ten voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Jay Gallagher, Russell George, Jim Yahn, Jack Goble, Heather Dutton, Celene Hawkins, Steven Anderson, Curran Trick, Patti Wells, and ex-officio voting member Robert Randall, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were Jenn Yazek, Department of Agriculture; John Stulp, Director of the IBCC; Laura Chartrand, Deputy Attorney General, Colorado Department of Natural Resources and Environment Section; Jackie Corday; Colorado Parks and Wildlife; Kevin Rein, State Engineer; and Rebecca Mitchell, Colorado Water Conservation Board Director.

On the second day, the meeting was called to order by Chair Jim Yahn. Ten voting members were present at the call to order, so a quorum was present (at least 6 required). The voting members present were: Jay Gallagher, Russell George, Patti Wells, Steven Anderson, Curran Trick, Jim Yahn, Jack Goble, Heather Dutton, and Celene Hawkins. Ex-officio voting member Robert Randall, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were Laura Chartrand, Deputy Attorney General, Colorado Department of Natural Resources and Environment Section; John Stulp, Director of the IBCC; Kevin Rein, State Engineer; Jackie Corday; Colorado Parks and Wildlife; Jenn Yazek, Department of Agriculture and Rebecca Mitchell, Colorado Water Conservation Board 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 Approve Agenda

Action: A motion to approve the November 2018 agenda was made by Celene Hawkins, which was seconded by Jay Gallagher. The motion was approved unanimously (10-0).

2. Review and Approve September 19-20, 2018 Board Meeting Minutes

Action: A motion to approve the September 2018 minutes was made by Jay Gallagher, which was seconded by Heather Dutton. The motion was approved unanimously (10-0).

3. Approve and/or Remove Consent Agenda Items

Action: A motion to approve the Consent Agenda was made by Patti Wells, which was seconded by Jack Goble. The motion was approved unanimously (10-0).

4. Proposed Board Meeting Dates in 2019

- a. January 28 & 29 Westminster
- b. March 20 & 21 South Platte Basin
- c. May 15 & 16 Gunnison Basin
- d. July 17 & 18 Arkansas Basin
- e. September 17 - 19 Rio Grande Basin
(these dates include a Finance Section meeting)
- k. November 20 & 21 Denver Metro

5. Directors' Reports

- a. DNR Executive Director

Action: Report by Robert Randall. This was an informational item only. No Board action was required.

- b. IBCC Director

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

- c. Agriculture Commissioner

Action: Report by Jenn Yezak. This was an informational item only. No Board action was required.

- d. CWCB Director

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

- e. State Engineer

Action: Report by Kevin Rein and Cory Deangelis DWR Division 1 Engineer addressed the board. This was an informational item only. No Board action was required.

- f. Division of Parks and Wildlife Director

Action: Report by Jackie Corday. This was an informational item only. No Board action was required.

- g. Water Resource and Power Development Authority

Action: Report by Michael Brod. This was an informational item only. No Board action was required.

6. Request for Water Acquisitions Pilot Process Update

Stream and Lake Protection Section

Action: Report by CWCB staff member Linda Bassi and Karen Wazlands Director of Colorado Water Trust addressed the board. This was an informational item only. No Board action was required.

7. Notice of 2019 Recommended Instream Flow Appropriations in Water Divisions 2,3,4,6, and 7

Stream and Lake Protection Section

Action: Report by CWCB staff member Rob Viehl. This was an informational item that provides notice of recommended stream segments that staff may bring to the Board in January 2019 with a recommendation that the Board form its intent to appropriate ISF water rights. No Board action was required.

8. Colorado River Water Conservation District Lease of Ruedi Water for Instream Flow Use - Additional Location Use

Stream and Lake Protection Section

Action: Report by CWCB staff member Linda Bassi. A motion to approve the Colorado River Water Conservation District Lease of Ruedi Water for Instream Flow Use - Additional Location Use was made by Russ George, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0).

Staff recommends that the Board:

1. Amend its approval of the Colorado River Water Conservation district lease of Ruedi water to include the additional use of the leased water in the 15-Mile Reach from April 1-December 31, 2019, subject to the following conditions:

- a) Releases of Ruedi water under the Water Lease Agreement shall not cause the releases out of Ruedi Reservoir to exceed 300 cfs and shall not cause flows in the Fryingpan River below Ruedi Reservoir to exceed 350 cfs. Staff and the U.S. Fish and Wildlife Service shall coordinate with the Bureau of Reclamation to ensure that these conditions are met.
- b) CWCB staff shall consult and coordinate weekly with Colorado Parks and Wildlife staff on proposed releases to minimize impacts to the fishery on the Fryingpan River below Ruedi Reservoir.

Such amendment does not increase the amount of water leased and does not increase the expenditure of funds approved at the July Board meeting.

2. Conclude that the proposed use of the remaining leased water to be used from April 1 - December 31 is appropriate to preserve and improve the natural environment in the 15-Mile Reach of the Colorado River to a reasonable degree as follows:

- a) From July 1 - September 30, preserve the natural environment by supplementing existing ISF water rights in the 15-Mile Reach, and improve the natural environment by

- providing water above the decreed ISF rates to help meet or reduce shortfalls to the USFWS flow recommendations for the endangered fish critical habitat; and
- b) For the time periods of April 1 - June 30 and October 1 - December 31, preserve the natural environment by providing and incremental amount of water to help meet or reduce shortfalls to the USFWS flow recommendations.

9. Colorado Watershed Restoration Program Update

Watershed and Flood Protection Section

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

10. Water Plan Grants Overview

Action: Report by CWCB staff member Lauren Ris.

Water Plan Grants			
Agenda Item	Category	Applicant	Name of Water Activity
10 a-f. Environment & Recreation			
a	Environment & Recreation	City of Grand Junction	Las Colonias Park River Recreation Feature
Action: Report by CWCB staff member Chris Sturm and Rob Schoeber with the City of Grand Junction addressed the board. A motion to approve the staff recommendation made by Patti Wells, which was seconded by Russ George. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve a \$150,000 Water Plan Grant funding contingent upon the applicants' abilities to address the issues discussed below: • Applicant should clarify with CWCB and their design engineer that the primary objective is ecological enhancement and not recreation. • Applicant should produce a riparian re-vegetation plan prepared by a qualified professional. It should promote biological diversity. • Project should comply with the CWCB's Rules and Regulations for Regulatory Floodplains in Colorado.			
b	Environment & Recreation	City of Brighton	South Platte River Berm Removal
Action: Removed by CWCB staff member Chris Sturm, could not get in touch with applicant			
c	Environment & Recreation	Colorado Rio Grande Restoration Foundation	Del Norte Riverfront Project
Action: Report by CWCB staff member Chris Sturm and Emma Reesor, Director of the Colorado Rio Grande Restoration Foundation addressed, the board. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Jack Goble. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$140,000 for Water Plan Grant funding contingent upon the applicants' abilities to address the issues discussed below:			

• Applicant should produce a riparian re-vegetation plan prepared by a qualified professional. It should promote biological diversity. • Applicant should consult Colorado Parks and Wildlife (CPW) to confirm that the design will promote fish passage for species prioritized by CPW. • Project should comply with the CWCB's Rules and Regulations for Regulatory Floodplains in Colorado.			
d	Environment & Recreation	Ducks Unlimited, Inc.	South Platte Basin Shallow Water Wetlands
Action: Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Heather Dutton. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$84,802 for Water Plan Grant funding contingent upon the applicants' abilities to address the issues discussed below: • Funding recommendation is one of the two projects proposed in their application. The applicant will work with CWCB staff to determine which project is a higher priority. • Applicant should demonstrate that it has a water right decreed for the proposed use. • Applicant should demonstrate that the Division of Water Resources can administer the water right.			
e	Environment & Recreation	Mile High Youth Corps	John Griffin Regional Park- Tamarisk and Russian Olive Abatement
Action: Report by CWCB staff member Chris Sturm and Jeslin Shahrezaei with the Mile High Youth Corps addressed the board. A motion to approve the staff recommendation made by Jack Goble, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$39,840 for Water Plan Grant funding contingent upon the applicants' abilities to address the issues discussed below: • Applicant should produce a riparian re-vegetation plan prepared by a qualified professional. It should promote biological diversity. • Applicant should demonstrate that the re-vegetation budget is adequate to achieve re-vegetation objectives outlined in the plan. • Applicant should demonstrate that invasive species removal in this area is viable and not in an area where re-establishment is likely because of upstream, downstream, or surrounding populations.			
f	Environment & Recreation	The Nature Conservancy	Wines Ditch Diversion and Conveyance Improvements, Final Design and Permitting
Action: Report by CWCB staff member Alex Funk. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Steve Anderson. The motion was approved unanimously (9-0), Celene Hawkins recused herself from the vote. Staff recommendation: Staff recommends that the Board approve \$140,069 for Water Plan Grant funding contingent upon the applicants' abilities to address the issues discussed below: • Applicant should produce a riparian re-vegetation plan prepared by a qualified professional. It should promote biological diversity. • Applicant should consult Colorado Parks and Wildlife (CPW) to confirm that the design of the fish barrier is adequate and appropriately located.			

- Project should comply with the CWCB's Rules and Regulations for Regulatory Floodplains in Colorado.

10 g – k. Agriculture

g	Agriculture	Colorado Cattlemen's Assoc.	Agriculture Watershed and Stream Management Planning Outreach and Technical Assistance
Action: Report by CWCB staff member Alex Funk and Phil Brink with Colorado Cattlemen's AG Water Network addressed the board. A motion to approve the staff recommendation made by Celene Hawkins, which was seconded by Jay Gallagher. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$99,000 for Water Plan Grant funding.			
h	Agriculture	Lower Arkansas Valley Water Conservancy District	Head Stabilization Pond Seepage Measurement Project
Action: Report by CWCB staff member Alex Funk and Don McBee a Fort Lyon Canal farmer/shareholder addressed the board. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Celene Hawkins. The motion was approved unanimously (9-0), Jack Goble recused himself from the vote. Staff recommendation: Staff recommends that the Board approve \$60,250 for Water Plan Grant funding.			
i	Agriculture	Grand Valley Water Users Association	Roller Dam Electrical and Control Systems Upgrades Projects (part 2)
Action: Report by CWCB staff member Alex Funk and Mark Harris with Grand Valley Water Users Association addressed the board. A motion to approve the staff recommendation made by Russ George, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$100,000 for Water Plan Grant funding.			
j	Agriculture	Logan Well Users, Inc	LWU Well Telemetry Project
Action: Report by CWCB staff member Alex Funk and Ken Fritzler with Logan Well Users, Inc. addressed the board. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Jay Gallagher. The motion was approved unanimously (9-0), Curran Trick recused herself from the vote. Staff recommendation: Staff recommends that the Board approve \$180,000 for Water Plan Grant funding.			
k	Agriculture	Colorado Open Lands	Acequia Conservation Initiative
Action: Report by CWCB staff member Alex Funk. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$75,000 for Water Plan Grant funding.			

10 l – p. Conservation and Land Use

l	Conservation and Land Use	City of Alamosa	Alamosa Water Smarts Landscaping Demonstration
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Action: Report by CWCB staff member Kevin Reidy. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Jay Gallagher. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends that the Board approve \$58,500 for Water Plan Grant funding.

m	Conservation and Land Use	Denver Parks and Recreation	Denver Parks Central Control Build-Out
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Action: Report by CWCB staff member Kevin Reidy and Damien Wetzel with Denver Parks and Recreation addressed the board. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Jack Goble. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends that the Board approve \$120,000 for Water Plan Grant funding.

n	Conservation and Land Use	City of Louisville	Drop Counter/Rachio Program for Customer Engagement and Analytics
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Action: Report by CWCB staff member Kevin Reidy. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Jay Gallagher. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends that the Board approve \$158,250 for Water Plan Grant funding.

o	Conservation and Land Use	Razix-One Water Solutions Institute	A System and Process for Assessing Water Use of Land Use Decisions
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Action: Report by CWCB staff member Kevin Reidy and Andre Dozier with Razix addressed the board. A motion to approve the staff recommendation made by Russ George, which was seconded by Patricia Wells. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends that the Board approve \$99,371 for Water Plan Grant funding.

p	Conservation and Land Use	South Metro Water Supply Authority	Qualified Water Efficient Landscaper Certification Pilot Program
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Action: Report by CWCB staff member Kevin Reidy and Beorn Courtney with Element Water Consulting addressed the board. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Heather Dutton. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends that the Board approve \$40,590 for Water Plan Grant funding.

10 q – t. Engagement and Innovation

q	Engagement and Innovation	Arkansas River Basin Water Forum	Education to Action Phase 2
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Action: Report by CWCB staff member Ben Wade and Amber Weber the Arkansas basin roundtable PEPO coordinator addressed the board. A motion to approve the staff recommendation made by Jack

Goble, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$39,300 for Water Plan Grant funding.			
r	Engagement and Innovation	Colorado Cattlemen's Association	Ag Water Collaborative Phase 2
Action: Report by CWCB staff member Ben Wade and Greg Peterson with CAWA addressed the board. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$60,000 for Water Plan Grant funding.			
s	Engagement and Innovation	Delta Brick & Climate Company Ltd	Paonia Reservoir Sediment Removal Utilization
Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation made by Steve Anderson, which was seconded by Heather Dutton. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$19,000 for Water Plan Grant funding.			
t	Engagement and Innovation	Mountain Studies Institute	Silverton Science & Innovation Center (SSINC)
Action: Report by CWCB staff member Ben Wade and Marcie Tidwell with Mountain Studies Institute addressed the board. A motion to approve the staff recommendation made by Celene Hawkins, which was seconded by Curran Trick. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends that the Board approve \$70,223 for Water Plan Grant funding.			
10 u – v. Storage and Supply			
u	Storage and Supply	City of Brighton, Water Enterprise Fund	Cell 3 Design
Action: Removed by CWCB staff member Anna Mauss, applicant withdrew application.			
v	Storage and Supply	Rio Blanco Water Conservancy District	White River Storage Project - Pre-Permitting Phase
Action: Report by CWCB staff member Anna Mauss and Alden Vanden Brink with Rio Blanco Water Conservancy District addressed the board. A motion to approve the staff recommendation made by Jay Gallagher, which was seconded by Russ George. The motion was approved unanimously (9-0). Staff recommendation: Staff recommends that the Board approve \$350,000 for Water Plan Grant funding.			

11. 2019 Projects Bill

Finance Section

- a. Non-Reimbursable Project Investments “En-Bloc” - *Approval*
 - 1. Flood & Drought Response Fund - *Refresh(Change to Auto)*
 - 2. Small Feasibility Grant - *Refresh(Change to Auto)*
 - 3. Litigation Fund - *Refresh*
 - 4. Colorado Floodplain Map Modernization Program - *Continuation*
 - 5. Satellite Monitoring System Maintenance Program - *Continuation*
 - 6. Weather Modification Permitting Program - *Continuation*
 - 7. Colorado Mesonet Project - *Continuation*
 - 8. Lidar Acquisition - *Continuation*
 - 9. Instream Flow Engineering and Tech Support Services - *Continuation*
 - 10. Tech Assist. Grants for CRSP MOU

Action: Report by CWCB staff member Kirk Russell. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Russ George. The motion was approved unanimously (9-0).

Staff recommendation: The Staff and the Finance Committee recommends the Board approve the Non-Reimbursable Investments listed above for inclusion in the 2019 Projects Bill.

- b. Water Plan Implementation Funding
 - 1. Water Plan Implementation Grants
 - 2. Water Supply Reserve Fund - Supplemental Funding
 - 3. Updating Basin Planning & Colorado’s Water Plan

Action: Report by CWCB staff members Lauren Ris and Russell Sands. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Bob Randall. The motion was approved unanimously (9-0).

Staff recommendation: Staff recommends that the Committee’s approval of the \$20 million Water Plan Implementation Funding for inclusion in the 2019 Projects Bill includes items 11b,1-3.

12. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund

Finance Section

- a. Financial Projections and Cash Management Report

Action: Report by CWCB staff member Kirk Russell.

Staff recommendation: This is an information item only and no action is necessary.

- b. Annual Financial Statements

Action: Report by CWCB staff member Lauren Miremont.

Staff recommendation: This is an information item only and no action is necessary.

- c. New Financial Policy - Sale of CWCB Water Storage Assets

Action: Report by CWCB staff member Kirk Russell.

Staff recommendation: Staff recommends approval of the policy as is or with modifications as required based on the Board's review. No vote, board asked for modifications to be done and present again at the January 2019 board meeting.

13. Emergency Dam Response Funding

Finance Section

Action: Report by CWCB staff member Kirk Russell. A motion to approve the staff recommendation made by Jack Goble, which was seconded by Heather Dutton. The motion was approved unanimously (9-0).

Staff recommendation: Staff recommends the Board authorize the transfer of \$500,000, to re-establish a \$500,000 balance as of December 1, 2018, from the Construction Fund to the Emergency Dam Repair Cash Fund which will remain available to the CWCB and the Division of Water Resources for its intended use.

1. Statements of Opposition

Stream & Lake Protection Section

- a. *Case No. 18CW3106 (Water Division 1): Application of Central Colorado Water Conservancy District, and Ground Water Management Sub district of the Central Colorado Water Conservancy District*

Action: Report by CWCB staff member Kaylea White. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Heather Dutton, Curran Trick recused herself from the vote. The motion was approved (9-0).

Staff recommendation:

- b. *Case No. 18CW3121 (Water Division 1): Application of City of Aurora, Colorado, acting by and through its Utility Enterprise*

Action: Report by CWCB staff member Kaylea White and Alex Davis with City of Aurora addressed the board. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Celene Hawkins. The motion was approved (9-1).

Staff recommendation:

18. Water Supply Reserve Fund Applications

Water Supply Planning Section

Water Supply Reserve Fund Application Grants			
Agenda Item	Basin	Applicant	Name of Water Activity

a	Metro	Thunderbird Water & Sanitation District	Connection Feasibility Analysis
Action: Report by CWCB staff member Megan Holcomb and Barry Gager with Thunderbird Water and Sanitation District addressed the board. A motion to approve the staff recommendation made by Patricia Wells, which was seconded by Jack Goble. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends approval of up to \$15,000 from the Metro Account to fund the project: Connection Feasibility Analysis.			
b	Colorado	Northwest Colorado Council of Governments	Water Savings Measures in Land Use Codes in the Headwaters
Action: Report by CWCB staff member Megan Holcomb. A motion to approve the staff recommendation made by Heather Dutton, which was seconded by Bob Randall. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends approval of up to \$5,000 from the Colorado Basin Account to help fund the project titled: Water Savings Measures in Land Use Codes in the Headwaters.			
c	Yampa/White/Green	White River Conservation District	White River Algae Research Project
Action: Report by CWCB staff member Craig Godbout and Callie Hendrickson with the White Water Conservation District addressed the board. A motion to approve the staff recommendation made by Jay Gallagher, which was seconded by Jack Goble. The motion was approved unanimously (10-0). Staff recommendation: Staff recommends conditional approval of up to \$99,000 from the Yampa-White-Green Basin Account to help fund the project titled: White River Algae Research Project, contingent upon the conditions stated in the Issues/Additional Needs section below.			

19. Glenwood RICD

Interstate, Federal & Water Information Section

Action: Report by CWCB staff member Erik Skeie; Mark Hamilton with Holland and Hart LLP, representing the City of Glenwood Springs, Jonathan Kelly with White Water Engineers', and CPW staff member Jay Skinner addressed the board. Will present again at the January 2019 board meeting

Staff recommendation: This item is informational only, with no Board action requested. The Board may wish to deliberate the request from Glenwood Springs in the City's attached memo and determine if additional information or action is needed.

Public Comment: 1. Patrick Wells with Colorado Springs Utilities, 2. Robert Harris with Western States Advocate, 3. Peter Fleming with Colorado River Water Conservation District.

20. Colorado River Basin Drought Contingency Planning Update

Interstate, Federal & Water Information Section

Action: Report by CWCB staff member Brent Newman and Karen Kwan with the Colorado Office of the Attorney General. A motion to approve the staff recommendation made by Celene Hawkins, which was seconded by Heather Dutton. The motion was approved unanimously (10-0).

Staff recommendation: Staff recommends the Board, in consultation with the State Engineer, adopt a policy statement that sets forth the State's approach for determining how evaluation, exploration and development of any demand management program in Colorado will proceed. The intent of this statement will be to appropriately capture and address both current and future input regarding demand management as it evolves.

Public Comment: 1. Kathleen Curry, 2. Andy Mueller with CRD, 3. Peter Fleming with CRD, 4. Bruce Whitehead with SWWCD

Meeting Adjourned

A motion to adjourn the November 2018 Board meeting was made by Jay Gallagher, which was seconded by Curran Trick. The motion was approved unanimously (10-0).