



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

Jared Polis  
Governor

Dan Gibbs  
DNR Executive Director

Rebecca Mitchell  
CWCB Director

**FINAL**  
**Summary Minutes and Record of Decisions**  
**May 15 -16, 2019 Board Meeting**

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at Western State College in Gunnison, located at 1 Western Way, Gunnison, CO. 81231.

The meeting was called to order by Chair Heather Dutton. Ten voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Jim Yahn, Jack Goble, Heather Dutton, Celene Hawkins, Steven Anderson, Jaclyn Brown, Gail Schwartz, Jessica Brody, and Curran Trick, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were; Jackie Corday, Colorado Parks and Wildlife; Kevin Rein, State Engineer; Russell George, Director of Compact Negotiations; and Rebecca Mitchell, Colorado Water Conservation Board Director. Counsel to the Board, Deputy Attorney General Amy Beatie, Colorado Department of Law, Natural Resources and Environment Section.

On the second day, the meeting was called to order by Chair Heather Dutton. Ten voting members were present at the call to order, so a quorum was present (at least 6 required). The voting members present were: Jaclyn Brown, Gail Schwartz, Jessica Brody, Steven Anderson, Curran Trick, Jim Yahn, Jack Goble, Heather Dutton, Celene Hawkins, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were Kevin Rein, State Engineer; Jackie Corday, Colorado Parks and Wildlife; Russell George, Director of Compact Negotiations; and Rebecca Mitchell, Colorado Water Conservation Board Director. Counsel to the Board, Deputy Attorney General Amy Beatie, Colorado Department of Law, Natural Resources and Environment Section



## Wednesday, May 15, 2019

### **1. Review and Approve Agenda**

A motion to approve the agenda was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (10-0).

### **2. Review and Approve March 20 & 21, 2019 Board Meeting Minutes**

A motion to approve the March 2019 Board minutes was made by Jaclyn Brown, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

### **3. Approve and/or Remove Consent Agenda Item**

Curran Trick asked for consent agenda items 1a through 1c be removed from the consent agenda for further discussion, and Amy Beatie requested that 1a-c be moved to the Executive Session and then to the Board for action on Thursday, May 16. A motion to approve the Consent Agenda Items as adjusted was made by Jessica Brody, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

### **4. Directors' Reports**

- a. DNR Executive Director - Dan Gibbs, John Mesner Gunnison County Commissioner addressed the Board to welcome the Board to Gunnison County.
- b. IBCC Director - Russell George
- c. Agriculture Commissioner - absent
- d. CWCB Director - Becky Mitchell
- e. State Engineer - Kevin Rein
- f. Division of Parks and Wildlife Director - Jackie Corday
- g. Water Resource and Power Development Authority - absent

### **6. Dianne Hoppe Memorial Scholarship**

*Operations Section*

**Action:** Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jaclyn Brown. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve a \$2,000 scholarship to Student 1.

### **7. Bear Creek Lake Reallocation**

*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Erik Skeie. This is an informational item only; no Board action is required at this time.

### **8. Colorado's Decision Support Systems Update**

*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Brian Macpherson. This is an informational item only; no Board action is required at this time.

**9. Paonia Dam Outlet Works Modification MOA Reallocation Request**

*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Alex Funk; Tom Alvey with the North Fork Water Conservancy District addressed the Board. A motion to approve the staff recommendation was made by Steve Anderson, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve the proposed Paonia Dam Outlet Works Modification Project MOA reallocation request.

**10. Wild and Scenic Rivers Fund Annual Review**

*Interstate, Federal, and Water Information Section and Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Linda Bassi. Celene Hawkins disclosed that she is a co-chair of the Dolores River Native Fish Monitoring Team, which is a sub-group of the Lower Dolores Plan Working Group, and that the Nature Conservancy does not manage any of the funding. A motion to approve the staff recommendation was made by Gail Schwartz, which was seconded by Jack Goble. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board:

- 1) Affirm that the need and purpose of the Wild and Scenic Rivers Fund still exists and is expected to continue in the future; and
- 2) Affirm that the existing Terms and Conditions for the Allocation of Funds from the Wild and Scenic Rivers Fund are adequate without revisions.

**11. Weather Modification Update**

*Interstate, Federal, and Water Information and Watershed and Flood Protection Section*

**Action:** Report by CWCB staff member Andrew Rickert. This is an informational item only; no Board action is required at this time.

**12. Colorado River Drought Contingency Planning and Demand Management Feasibility**

*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Brent Newman and Attorney General staff member Karen Kwon. This is an informational item only; no Board action is required at this time.

**13. Financial Matter - 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. This is an informational item only; no Board action is required at this time.

## 14. Water Project Loans

### *Finance Section*

#### a) Town of Empire - Guanella Reservoir Storage Purchase

**Action:** Report by CWCB staff member Rachel Pittinger; Richard Sprague Mayor of Empire and James Ford with Ford Research Group and engineer on this project addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jaclyn Brown. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve a loan not to exceed \$124,230 (\$123,000 for the Project costs and \$1,230 for the 1% service fee) to the Town of Empire, acting by and through its water activity enterprise, for costs related to the Guanella Reservoir Storage Purchase, from the Construction Fund. The loan terms shall be 30 years at a low-income municipal interest rate of 2.50% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

#### b) Upper Platte & Beaver Canal Company - Diversion Structure Replacement

**Action:** Report by CWCB staff member Jonathan Hernandez; Bart Ginther with Upper Platte & Beaver Canal Company and Matt Harris with Harris Engineering Consultants addressed the board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve a loan not to exceed \$4,435,920 (\$4,392,000 for Project costs and \$43,920 for the 1% service fee) to the Upper Platte and Beaver Canal Company for costs related to the Diversion Structure Replacement Project, from the Construction Fund. The Loan terms shall be 40 years at a blended interest rate of 2.25% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

## 15. Water Project Loans/Grants

### *Finance Section*

#### a) Logan Irrigation District - Prewitt Reservoir Dredging

**Action:** Report by CWCB staff member Jonathan Hernandez. Jim Yahn disclosed that he is the Manager of the Logan Irrigation District so he recused himself from the vote and stepped out of the room. A motion to approve the staff recommendation was made by Steve Anderson, which was seconded by Jaclyn Brown. The motion was approved unanimously (9-0).

**Staff recommendation for Loan:** Staff recommends that the Board approve a loan not to exceed \$1,849,310 (\$1,831,000 for Project costs and \$18,310 for the 1% service fee) to the Logan Irrigation District for costs related to the Prewitt Reservoir Dredging Project, from the Severance Tax Perpetual Base Fund. The loan terms shall be 30 years at a blended interest rate of 1.90% per annum. Security for the loan shall be in compliance with CWCB Financial

Policy #5.

**Staff recommendation for Water Plan Grant 29mm:** Staff recommends that the Board approve a grant of up to \$1,408,000 from the Water Plan Grant - Storage & Supply category to the Logan Irrigation District for cost related to the Prewitt Reservoir Dredging Project.

**16. City of Boulder Water Delivery Agreement from Gross Reservoir for Instream Flow Use in South Boulder Creek (Water Div. 1)**  
*Stream and Lake Protection Section*

**Action:** Report by CWCB staff members Kaylea White and Linda Bassi; Joanna Bloom with the City of Boulder addressed the Board. The motion was delayed for vote until the July 2019 Board meeting.

**Staff recommendation:** Staff recommends that the Board:

1. Accept the interest in water that would be provided by Boulder under the Water Delivery Agreement;
2. Determine that the amounts set forth in the Water Delivery Agreement are appropriate to preserve the natural environment to a reasonable degree on the subject reach of the South Boulder Creek in the time, amounts and locations provided by the Agreement. The flow rates and uses are to preserve the natural environment to a reasonable degree within Segments 1 & 2 of the Subject Reach up to the CWCB/CPW Flow rates of 8 cfs in the winter and 15cfs in the summer, and in Segment 3 up to 2.5 cfs in the winter and up to 5.8 cfs in the summer;
3. Determine that the best use of the interest in water to be acquired is in the time, amounts, and locations provided by the Water Delivery Agreement; and
4. Authorize the CWCB Director to finalize and sign the Water Delivery Agreement.

**17. Renewal of Ute Water Conservancy District Lease of Ruedi Water for Instream Flow Use in the 15-Mile Reach (Water Div. 5)**  
*Stream and Lake Protection Section and Interstate, Federal and Wter Information Section*

**Action:** Report by CWCB staff member Linda Bassi. A motion to approve the staff recommendation was made by Gail Schwartz, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve a one-year renewal of the lease of up to 12,000 acre-feet of Ruedi Water from the Ute Water Conservancy District for \$7.20 per acre-foot, and an expenditure of up to \$86,400 from the Species Conservation Trust Fund, subject to the following conditions:

1. 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.
2. 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.

**18. Final Action on Uncontested 2019 Instream Flow Appropriations in Water Divisions 2, 4, and 6**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Robert Viehl. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board make the following determinations and take the following actions on each of the appropriations identified in the attached tables, based on the information contained in this memo as well as the information presented by staff both in writing and orally at the January 29, 2019 Board meeting.

1. Determine, pursuant to section 37-92-102(3), C.R.S. (2018), and based upon the recommendations of the BLM, CPW, and HCCA addressing biological needs, flow rates, reaches and time periods, and a review of the data and other information presented by Staff in this memo and orally, that for each ISF appropriation at the flow rates identified in the attached table:
  - a. There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
  - b. The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
  - c. Such natural environment can exist without material injury to water rights.
2. Pursuant to ISF Rule 5f., establish January 29, 2019 as the appropriation date for these water rights.

**19. Contested 2019 Instream Flow Appropriations in Water Divisions 3, 6, and 7**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Robert Viehl. A motion to approve the staff recommendation (1) was made by Jaclyn Brown, which was seconded by Celene Hawkins. The motion was approved unanimously (10-0).

A motion to approve staff recommendation (2) to appoint Deputy Attorney General Amy Beatie as the hearing officer for these instream flow appropriations was made by Jaclyn Brown, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends;

1. That the Board combine the two Disappointment Creek segments for a joint proceeding, and that the hearing for the Disappointment Creek and the Trout Creek ISF appropriations be held in conjunction with the Board's September 17 - 19, 2019 meeting, and that the hearing for the Canero Creek ISF appropriation be held in conjunction with the Board's November 20 -21, 2019 meeting.
2. That the Board designate a Hearing Officer for each of these contested instream flow appropriations.

**20. Public Comment on 2019 Instream Flow Appropriation on Himes Creek, Water**

## **Division 7**

### *Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Robert Viehl; Orla Bannon with Western Resource Advocates addressed the Board under Public Comment. This is an informational item with no Board action required.

#### **21. Attorney General's Report, Legal Briefing, and Executive Session**

**Action:** Report by Deputy Attorney General Amy Beatie. A motion to go into Executive Session was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (10-0).

#### **22. Report from Executive Session**

**Action:** Report by Deputy Attorney General Amy Beatie. A motion to come out of Executive Session was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

#### **24. Litigation Fund**

##### *Interstate, Federal, and Water Information Section*

##### **a) Annual Report**

**Action:** Report by CWCB staff member Andrew Rickert. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board approve the attached report for submittal to the General Assembly.

##### **b) Litigation Fund Request**

**Action:** Report by CWCB staff member Andrew Rickert. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Jessica Brody. The motion was approved unanimously (10-0).

**Staff recommendation:** Staff recommends that the Board authorize the expenditure of a total of \$1,452,700 for litigation-related activities in FY2019-20 as follows:

- 1) Colorado River Basin: \$695,000
- 2) Republican River Basin: \$110,000
- 3) Rio Grande Basin: \$647,700

Staff also recommends that the Board:

- 1) Direct the CWCB Director and Staff to expend these funds consistent with the request by the Office of the Attorney General; and,
- 2) Direct the CWCB Director, CWCB Staff, and Office of the Attorney General to comply with the annual reporting requirements as specifically provided for in Section 37-60-121(2.5).

**Thursday, May 16, 2019**

**25. Basin Directors' Reports**

- 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

**\*\*Director Schwartz and Director Gibbs left the meeting after the reports were complete and were not present for the rest of the day.**

**Consent Agenda Items;**

**1a. Case No. 19CW3016 (Water Division 1); Application of Arapahoe County Water and Waste Water Authority, East Cherry Creek Valley Water and Sanitation District, United Water and Sanitation District, and 70 Ranch, LLC.**

Action: This item has been dismissed and no longer requires a vote.

**1b. Case No. 19Cw3019 (Water Division 1) Application of Fort Collins - Loveland Water District.**

Action: Report by CWCB staff member Linda Bassi. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved (7-1).

Staff recommendation: Staff recommends that the Board ratify Statement of Opposition that have been filed by staff to protect instream flow and natural lake level water rights and to protect CWCB's exclusive authority to hold instream flow water rights.

**1c. Case No. 19CW3012 (Water Division 4): Application of Double RL Company**

Action: Report by CWCB staff member Linda Bassi. A motion to approve the staff recommendation was made by Steve Anderson, which was seconded by Jim Yahn. The motion was approved (7-1).

Staff recommendation: Staff recommends that the Board ratify Statements of Opposition that have been filed by staff to protect instream flow and natural lake level water rights and to protect CWCB's exclusive authority to hold instream flow water rights.

**26. WSRF Grant Applications**

**a. Attorney General's Opinion Regarding For-Profit Entities Eligibility to Receive WSRF Grant Funding**

Action: Report by CWCB staff member Craig Godbout. This is an informational item and no Board action is required.



**Water Supply Reserve Fund Application Grants  
at the May 2019 CWCB Board Meeting**

<b>Agenda Item</b>	<b>Basin</b>	<b>Applicant</b>	<b>Name of Water Activity</b>
<b>b</b>	Gunnison	Delta Brick & Climate Company	Chemical Water Production via Methane Mitigation
<p><b>Action:</b> Report by CWCB staff member Craig Godbout; Chris Caskey with Delta Brick &amp; Climate Company addressed the Board. A motion to approve the staff recommendation was made by Steve Anderson, which was seconded by Jack Goble. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$18,000 from the Gunnison Basin Account to help fund the project titled: Chemical Water Production via Methane Mitigation.</p>			
<b>c</b>	Gunnison	Trout Unlimited	Cimarron Canal Diversion Gate Replacement and Water Management Planning Project
<p><b>Action:</b> Report by CWCB staff member Craig Godbout; Cary Denison with Trout Unlimited addressed the Board. A motion to approve the staff recommendation was made by Steve Anderson, which was seconded by Jack Goble. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$11,500 from the Gunnison Basin Account to help fund the project titled: Cimarron Canal Diversion Gate Replacement and Water Management Planning Project.</p>			
<b>d</b>	Yampa/White/Green	The Nature Conservancy	Maybell Ditch Diversion Structure Rehabilitation and Headgate Modernization
<p><b>Action:</b> Report by CWCB staff member Craig Godbout. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Jim Yahn. Director Hawkins recused herself from the vote because she works for The Nature Conservancy. The motion was approved unanimously (7-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$73,000 from the Yampa/White/Green Basin Account to help fund the project titled: Maybell Ditch Diversion Structure Rehabilitation and Headgate Modernization.</p>			
<b>e</b>	Yampa/White/Green	Upper Walker Ditch Company	Walker Ditch Headgate Replacement
<p><b>Action:</b> Report by CWCB staff member Craig Godbout. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Jack Goble. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$62,222 from the Yampa/White/Green Account to help fund the project titled: Walker Ditch Headgate Replacement.</p>			
<b>f</b>	Colorado	Trout Unlimited and the Blue River Watershed Group	Blue River Integrated Water Management Plan
<p><b>Action:</b> Report by CWCB staff member Ben Wade; Richard Van Gytenbeek with Trout Unlimited addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jaclyn Brown. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$17,110 from the Colorado Basin Account to help fund the project titled: Blue River Integrated Water Management Plan.</p>			

<b>g</b>	Colorado	Eagle Vail Metropolitan District	Phase 1 – Stone Creek Master Plan
<p><b>Action:</b> Report by CWCB staff member Ben Wade; Brent Barnum with Eagle Vail Metropolitan District addressed the Board. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$25,000 from the Colorado Basin Account to help fund the project titled: Phase 1 - Stone Creek Master Plan.</p>			
<b>h</b>	Rio Grande	Colorado Rio Grande Restoration Foundation	Rio Grande, Conejos, and Saguache Stream Management Planning Project
<p><b>Action:</b> Report by CWCB staff member Ben Wade; Emma Reesor with Rio Grande Headwaters Restoration Project addressed the board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. Director Dutton disclosed that she is a volunteer on this project but does not receive any financial compensation. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$28,000 from the Rio Grande Basin Account to fund the project titled: Rio Grande, Conejos, and Saguache Stream Management Plans.</p>			

**27. Colorado Water Plan Update**

*Water Supply Planning Section*

**Action:** Report by CWCB staff members Greg Johnson and Russ Sands. This is an informational item with no Board action required.

**28. Colorado Water Plan Grant Funding Discussion**

**Action:** Report by CWCB staff member Lauren Ris. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (8-0).

**Staff Recommendation:** That the Board approve using the \$8.3 million General Fund appropriation to ensure \$10 million is available for the Water Plan Grant Program for fiscal year 19-20 in combination with funding appropriated from the Construction Fund, and to equally distribute the additional funding among the following grant categories: Agricultural Projects, Conservation and Land Use, Environment and Recreation, and Storage and Supply. Staff also recommends that the Board receive an update on the Water Plan Grant Program at the September 2019 Finance Committee meeting and determine whether the demand on the grant program after the August 1, 2019 application deadline warrants making any additional funding available.

**29. Water Plan Grants Overview**

**Action:** Report by CWCB staff member Lauren Ris. This is an informational item with no Board action required.

Agenda Item	Category	Applicant	Name of Water Activity
<b>29. a-l Agriculture</b>			
<b>a</b>	Agriculture	Colorado Open Lands	San Luis Valley River and Aquifer Recovery and Enhancement Partnership
<p><b>Action:</b> Report by CWCB staff member Alex Funk; Judy Lopez with Colorado Open Lands addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$35,500 for the project named San Luis Valley &amp; Aquifer Recovery &amp; Enhancement.</p>			
<b>b</b>	Agriculture	Julesburg Irrigation District	Petersen Ditch Diversion Integrated Rehabilitation Project
<p><b>Action:</b> Report by CWCB staff member Alex Funk; Larry Frame with Julesburg Irrigation District addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$450,000 for the project named Petersen Ditch Diversion Integrated Rehabilitation Project.</p>			
<b>c</b>	Agriculture	The Nature Conservancy	Maybell Ditch Diversion Structure & Headgate Modernization
<p><b>Action:</b> Report by CWCB staff member Alex Funk. Director Hawkins recused herself from the vote on this request because she is an employee of The Nature Conservancy. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$75,000 for the project named Maybell Ditch Diversion Structure and Headgate Modernization.</p>			
<b>d</b>	Agriculture	San Miguel County	Expansion of Payment for Ecosystem Services Program
<p><b>Action:</b> Report by CWCB staff member Alex Funk; Hillary Cooper a Commissioner with San Miguel County addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$34,646 for the project named Expansion of Payment for Ecosystem Services Program.</p>			
<b>e</b>	Agriculture	Turner Ditch Company	Turner and Lone Cabin Ditch Salinity Reduction Project
<p><b>Action:</b> Report by CWCB staff member Alex Funk. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$200,000 for the project named Turner and Lone Cabin Ditch Salinity Reduction Project</p>			
<b>f</b>	Agriculture	Trout Unlimited	Innovative Irrigation Efficiency for Mountain Meadows
<p><b>Action:</b> Report by CWCB staff member Alex Funk; Jesse Kruthaupt with Trout Unlimited addressed</p>			

the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jessica Brody. The motion was approved unanimously (8-0).			
Staff recommendation: Staff recommends that the Board approve up to \$54,048 for the project named, Innovative Irrigation Efficiency for Mountain Meadows.			
<b>g</b>	Agriculture	Lake Fork Ditch Company	Lake Fork Ditch Piping and Salinity Reduction Project
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>h</b>	Agriculture	Overland Ditch and Reservoir Company	Overland Ditch Cal Poly ITRC Flap Gates
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>i</b>	Agriculture	Schneider Ditch Company	Schneider Diversion Structure Replacement Project
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>j</b>	Agriculture	Upper Platte and Beaver Canal Company	Upper Platte and Beaver Canal Rehabilitation Project
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>k</b>	Agriculture	Mancos Water Conservancy District	Jackson Gulch Inlet Improvement Project
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>l</b>	Agriculture	Short Ditch Extension Company	Short Ditch Piping and Salinity Reduction Project
Action: Report by CWCB staff member Alex Funk. Staff recommendation: Staff is not recommending this grant request for approval			
<b>29. m - q Conservation and Land Use</b>			
<b>m</b>	Water Conservation and Land Use	Bohn Farm Cohousing Community, LLC (BFCC)	BFCC- Stormwater Infrastructure
Action: Report by CWCB staff member Kevin Reidy. Staff recommendation: Staff is not recommending this grant request for approval			
<b>n</b>	Water Conservation and Land Use	Sonoran Institute	Breaching the Divide: West Slope-Front Range Partnerships to Integrate Water and Land Use Planning
Action: Report by CWCB staff member Kevin Reidy. Staff recommendation: Staff is not recommending this grant request for approval			
<b>o</b>	Water Conservation and Land Use	Fort Collins Utilities	Transforming the Front Range HOA
Action: Report by CWCB staff member Kevin Reidy. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).			
Staff recommendation: Staff recommends that the Board approve up to \$70,000 for the project named, Transforming the Front Range HOA.			

<b>p</b>	Water Conservation and Land Use	Greenway Foundation	Denver One Water Plan
<p><b>Action:</b> Report by CWCB staff member Kevin Reidy; Devon Buckles with Greenway Foundation addressed the Board. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve \$200,000 for the project named, Denver One Water Plan.</p>			
<b>q</b>	Water Conservation and Land Use	Montezuma County Noxious Weed Dept.	Russian Olive and Salt Cedar Waterway Project
<p><b>Action:</b> Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation with an amendment for the applicant to work with ditch companies was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$25,598 for the project named, Russian Olive and Salt Cedar Waterway Project.</p>			
<b>29. r – w Engagement and Innovation</b>			
<b>r</b>	Engagement and Innovation	Adams State University	Water Education Initiative at Adams State University
<p><b>Action:</b> Report by CWCB staff member Ben Wade; Rio de la Vista with the Salazar Center at Adams State University addressed the Board. Director Yahn was not in the room during the voting for agenda items 29 r-w. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Steve Anderson. The motion was approved unanimously (7-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$73,003 for the project named, Water Education Initiative at Adams State University.</p>			
<b>s</b>	Engagement and Innovation	Ditch and Reservoir Company Alliance	Innovative Water Education Workshops
<p><b>Action:</b> Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Steve Anderson. The motion was approved unanimously (7-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$10,200 for the project named, Innovative Water Education Workshops.</p>			
<b>t</b>	Engagement and Innovation	Fourmile Watershed Coalition	Boulder County Forest Collaborative Education and Outreach
<p><b>Action:</b> Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Steve Anderson. The motion was approved unanimously (7-0).</p> <p><b>Staff recommendation:</b> Staff recommends that the Board approve up to \$40,380 for the project named, Boulder County Forest Collaborative Education and Outreach.</p>			
<b>u</b>	Engagement and Innovation	Lefthand Watershed Oversight Group	Watershed Days: A Community Based Assessment of Front Range Watershed Recovery
<p><b>Action:</b> Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Steve Anderson. The motion was approved unanimously (7-0).</p>			

Staff recommendation: Staff recommends that the Board approve up to \$42,500 for the project named, Watershed Days: A Community Based Assessment of Front Range Watershed Recovery.			
<b>v</b>	Engagement and Innovation	Middle South Platte River Alliance	Agriculture Producers Outreach and Education Program
Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Curran Trick. The motion was approved unanimously (7-0).			
Staff recommendation: Staff recommends that the Board approve up to \$34,997 for the project named Middle South Platte River Alliance contingent upon the applicant securing matching funds.			
<b>w</b>	Engagement and Innovation	Tri-County Health Department	Water Conservation Outreach
Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Steve Anderson. The motion was approved unanimously (7-0).			
Staff recommendation: Staff recommends that the Board approve up to \$12,000 for the project named, Water Conservation Outreach.			
<b>29. x – kk Environment and Recreation</b>			
<b>x</b>	Environment and Recreation	Central Colorado Conservancy	Envision Recreation in Balance – Sediment Control Project
Action: Report by CWCB staff member Chris Sturm. Director Anderson left the meeting before voting on agenda items 29 x-kk and did not return for the rest of the meeting. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
Staff recommendation: Staff recommends that the Board approve up to \$49,851 for the project named, Envision Recreation in Balance - Sediment Control Project.			
<b>y</b>	Environment and Recreation	Pitkin County Board of Supervisor	Robinson Ditch Diversion Modification
Action: Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
Staff recommendation: Staff recommends that the Board approve up to \$171,216 for the project named, Robinson Ditch Diversion Modification.			
<b>z</b>	Environment and Recreation	Trout Unlimited/Blue River Group	Blue River Integrated Water Management Plan
Action: Report by CWCB staff member Chris Sturm; Richard Van Gytenbeek with Trout Unlimited addressed the Board. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
Staff recommendation: Staff recommends that the Board approve up to \$46,000 for the project named, Blue River Integrated Water Management Plan.			
<b>aa</b>	Environment and Recreation	Grand Valley Audubon Society	Audubon Nature Preserve Wetlands Improvement Project

<b>Action:</b> Report by CWCB staff member Chris Sturm.			
<b>Staff recommendation:</b> Staff is not recommending this grant request for approval			
<b>bb</b>	Environment and Recreation	Uncompahgre Watershed Partnership	Governor Basin Restoration Project
<b>Action:</b> Report by CWCB staff member Chris Sturm; Ashley Bembenek with Uncompahgre Watershed Partnership addressed the Board. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
<b>Staff recommendation:</b> Staff recommends that the Board approve up to \$33,250 for the project named, Governor Basin Restoration Project.			
<b>cc</b>	Environment and Recreation	Gunnison County	Shady Island River Park
<b>Action:</b> Report by CWCB staff member Chris Sturm; Cathie Pagano with Gunnison County addressed the Board. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
<b>Staff recommendation:</b> Staff recommends that the Board approve up to \$150,000 for the project named, Shady Island River Park.			
<b>dd</b>	Environment and Recreation	National Forest Foundation	Taylor Park, Gunnison County, Watershed Erosion Control and Stream Restoration
<b>Action:</b> Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
<b>Staff recommendation:</b> Staff recommends that the Board approve up to \$10,000 for the project named, Taylor Park, Gunnison County, Watershed Erosion Control and Stream Restoration.			
<b>ee</b>	Environment and Recreation	Trout Unlimited	Octate Properties Channel and Irrigation Improvement Project
<b>Action:</b> Report by CWCB staff member Chris Sturm; Jesse Kruthaupt with Trout Unlimited addressed the Board. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
<b>Staff recommendation:</b> Staff recommends that the Board approve up to \$11,589 for the project named, Octate Properties Channel and Irrigation Improvement Project.			
<b>ff</b>	Environment and Recreation	Trout Unlimited	Cimarron Canal Diversion Gate Replacement and Water Management Planning Project
<b>Action:</b> Report by CWCB staff member Chris Sturm; Cary Denison with Trout Unlimited addressed the Board. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).			
<b>Staff recommendation:</b> Staff recommends that the Board approve up to \$18,918 for the project named, Cimarron Canal Diversion Gate Replacement and Water Management Planning Project.			
<b>gg</b>	Environment and Recreation	Gunnison Angling Society	Addressing Water Quality with a Vault Toilet at Cottonwood Pass Day Use Area
<b>Action:</b> Report by CWCB staff member Chris Sturm.			
<b>Staff recommendation:</b> Staff is not recommending this grant request for approval			
<b>hh</b>	Environment and Recreation	CO Rio Grande Restoration Foundation	Park Creek Watershed Improvement Project

**Action:** Report by CWCB staff member Chris Sturm; Emma Reesor with CO Rio Grande Restoration Foundation addressed the Board. Director Dutton disclosed that she is a volunteer for the CO Rio Grande Restoration Foundation and does not receive any finances from this group. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve up to \$25,800 for the project named, Park Creek Watershed Improvement Project.

<b>ii</b>	Environment and Recreation	Colorado Open Lands	Watershed Analysis of Beaver Restoration Potential in Park County
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**Action:** Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve up to \$45,450 for the project named, Watershed Analysis of Beaver Restoration Potential in Park County.

<b>jj</b>	Environment and Recreation	Colorado Open Lands	Riparian Reconnect Project
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**Action:** Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve \$84,290 for the project named, Riparian Reconnect Project.

<b>kk</b>	Environment and Recreation	Valley Floor Preservation Partners	Telluride Valley Floor River Restoration Phase Two
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**Action:** Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve \$215,000 for the project named, Telluride Valley Floor River Restoration Phase Two.

**29. II – pp Storage and Supply**

<b>ll</b>	Storage & Supply	Huerfano County Water Conservancy District	Collaborative Storage 30% Design
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**Action:** Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Curran Trick. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve up to \$16,786 for the project named, Collaborative Storage 30% Design.

<b>mm</b>	Storage & Supply	Logan Irrigation District	Prewitt Reservoir Dredging
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**Action:** Report by CWCB staff member Anna Mauss. This was approved on May 15, agenda item 15a. which was a combination loan/grant so was removed from this grouping.

<b>nn</b>	Storage & Supply	North Fork Water Conservation District	Paonia Reservoir Sediment Removal
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**Action:** Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Curran Trick. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve up to \$150,000 for the project named, Paonia Reservoir Sediment Removal.

<b>oo</b>	Storage & Supply	Delta Conservation District	Grand Mesa Reservoir Measurement
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**Action:** Report by CWCB staff member Anna Mauss.

**Staff recommendation:** Staff is not recommending this grant request for approval

<b>pp</b>	Storage & Supply	Lower Arkansas Water Management Association	West Farm Gravel Acquisition
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**Action:** Report by CWCB staff member Anna Mauss.

**Staff recommendation:** Staff recommends that the consideration of this grant request be delayed.

### 30. Water Education Colorado - Annual Scope of Work

#### *Water Supply Planning Section*

**Action:** Report by CWCB staff member Greg Johnson; Jayla Poppleton with WEco addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Curran Trick. The motion was approved unanimously (7-0).

**Staff recommendation:** Staff recommends that the Board approve the Fiscal Year 2020 Scope of Work for Water Education Colorado (WEco), formerly known as the Colorado Foundation for Water Education.

#### **ADJOURN**

A motion to adjourn the May 2019 Board meeting was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (7-0).

## CWCB Consent Agenda May 15 - 16, 2019

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 during the meeting or at the next meeting, with action taken after discussion of the item. If a member of the CWCB requests further consideration of an item on the Consent Agenda that pertains to a pending or imminent court action, the matter will be withdrawn from the Consent Agenda and may be discussed during executive session of the same meeting, and any action on that item will be taken in public session. 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. 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 and to protect CWCB's exclusive authority to hold instream flow water rights in the following water court cases:*

- a. Case No. 19CW3016 (Water Division 1): Application of Arapahoe County Water and Waste Water Authority, East Cherry Creek Valley Water and Sanitation District, United Water and Sanitation District, and 70 Ranch, LLC*
- b. Case No. 19CW3019 (Water Division 1): Application of Fort Collins - Loveland Water District*
- c. Case No. 19CW3012 (Water Division 4): Application of Double RL Company*
- d. Case No. 19CW0005 (Water Division 5): Application of James R. Frazier and Tracy Frazier*
- e. Case No. 19CW3022 (Water Division 5): Application of Iron Rose Land and Cattle II, LLC*