



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

Jared Polis  
Governor

Dan Gibbs  
DNR Executive Director

Rebecca Mitchell  
CWCB Director

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## **Final Summary Minutes and Record of Decisions November 20 & 21, 2019 Board Meeting**

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the DoubleTree Hotel 3203 Quebec St. Denver 80207. The meeting was called to order by Chair Heather Dutton. Eight 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 (arrived after 11a.m.), and Curran Trick, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources was absent, Amy Moyer attended in his place. Non-voting ex officio members present or represented were: Dan Prenzlowl, Colorado Parks and Wildlife; Kate Greenberg, Department of Agriculture Commissioner; 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, was also in attendance.

On the second day, the meeting was called to order by Chair Heather Dutton. Nine 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, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources was absent, Amy Moyer attended in his place. Non-voting ex officio members present or represented were: Phil Weiser, Attorney General; Dan Prenzlowl, 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, was also in attendance.



## **Wednesday, November 20, 2019**

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

A motion to approve the agenda was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).

### **2. Review and Approve September 18 & 19, 2019 Board Meeting Minutes**

A motion to approve the September 2019 Board minutes was made by Celene Hawkins, which was seconded by Jaclyn Brown. The motion was approved unanimously (8-0).

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

A motion to approve the Consent Agenda Items was made by Curran Trick, which was seconded by Celene Hawkins. The motion was approved unanimously (8-0).

#### **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. 19CW3154 (Water Division 1): Application of Mountain Mutual Reservoir Company*
- b. Case No. 19CW3045 (Water Division 4): Application of Rehoboth Land Partners, LLC*
- c. Case No. 19CW3112 (Water Division 5): Application of Highland Investment Co., LLC*
- d. Case No. 19CW3017 (Water Division 6): Application of Yellow Jacket Water Conservancy District*

#### **2. Floodplain Designations**

##### *Watershed and Flood Protection Section*

- a. "Flood Insurance Study, Adams County, Colorado and Incorporated Communities", by FEMA, dated September 2018.*
- b. "Flood Insurance Study, Arapahoe County, Colorado and Incorporated Communities", by FEMA, dated September 2018.*
- c. "Flood Insurance Study, Summit County, Colorado and Incorporated Communities", by FEMA, dated November 2018.*
- d. "Flood Insurance Study, Morgan County, Colorado and Incorporated Communities", by FEMA, dated April 2018.*
- e. "Flood Insurance Study, El Paso County, Colorado and Incorporated Communities", by FEMA, dated December 2018.*
- f. "Flood Insurance Study, City and County of Denver, Colorado", by FEMA, dated September 2018.*
- g. "Flood Insurance Study, Chaffee County, Colorado and Incorporated Communities", December 2017.*

### 3. Changes to Water Plan Grants

- a. *Change in Fiscal Agent - TAP-IN*
- b. *Change in Budget - North Fork Water Conservation District - Paonia Reservoir Sediment Removal*

### 4. Changes to Loan

- a. *Huerfano County Water Conservancy District - Regional Augmentation Project*

The Board discussed changing the date of the March 2020 board meeting dates from March 18 & 19 to March 11 & 12. There was no opposition to this change.

### 4. Directors' Reports

- a. DNR Executive Director - Amy Moyer
- b. IBCC Director - Russell George
- c. Agriculture Commissioner - Kate Greenberg
- d. CWCB Director - Rebecca Mitchell
- e. State Engineer - Kevin Rein
- f. Division of Parks and Wildlife Director - Dan Prenzlowl
- g. Water Resource and Power Development Authority - Mike Brod

### 5. Potential Effects of Climate Change on Rainfall-Induced Floods *Watershed and Flood Protection Section*

**Action:** Report by CWCB staff member Kevin Houck. Paige Weil with Wyntech Technologies addressed the Board.

This is an informational item with no Board action required.

### 6. Colorado Water Plan Updates *Water Supply and Planning Section*

**Action:** Report by CWCB staff member Greg Johnson.

This is an informational item with no Board action required.

### 7. Statewide Water Education Action Plan (SWEAP) *WEco*

**Action:** Report by CWCB staff member Greg Johnson. Jayla Poppleton with Water Education Colorado addressed the Board.

This is an informational item with no Board action required.

### 8. Water Plan Grants Overview

**Action:** Report by CWCB staff member Lauren Ris.

This is an informational item with no Board action required.

## Water Plan Grants

Agenda Item	Category	Applicant	Name of Water Activity
<b>8 a-g Agriculture</b>			
<b>Action:</b> Report by CWCB staff member Alex Funk. A motion to approve the staff recommendations for the Agriculture Water Plan Grants 8 a-g was made by Steve Anderson, which was seconded by Jaclyn Brown. The motion was approved unanimously (9-0).			
<b>a</b>	Agriculture	Bookcliff, South Side and Mount Sopris Conservation Districts	Integrated Watershed Management Planning in the Middle Colorado River
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$95,000.			
<b>b</b>	Agriculture	Colorado Cattlemen's Association	Agriculture Watershed and Stream Management Planning Outreach & Technical Assistance
<b>Action:</b> Report by CWCB staff member Alex Funk. Phil Brink with the Colorado Cattlemen's Association addressed the Board.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$79,400.			
<b>c</b>	Agriculture	Colorado Master Irrigator	Colorado Master Irrigator Program – Republican River Basin
<b>Action:</b> Report by CWCB staff member Alex Funk. Brandi Baquera with Colorado Master Irrigator Program and Amy Cremin with Ogallala Water Coordinated Agriculture Project addressed the Board.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$149,800.			
<b>d</b>	Agriculture	Colorado State University	Food Asset Mapping to Understand Agricultural Economic Development Opportunities that Reduce Water Consumption

<b>Action:</b> Report by CWCB staff member Alex Funk.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$163,885.			
<b>e</b>	Agriculture	Crawford Water Conservancy District	Lower Aspen Canal Piping Efficiency Project
<b>Action:</b> Report by CWCB staff member Alex Funk. Gary Kraai with Crawford Water Conservancy District addressed the Board.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$274,000.			
<b>f</b>	Agriculture	Trout Unlimited, Inc.	Irrigation Efficiency and its Effects in Northwest Colorado
<b>Action:</b> Report by CWCB staff member Alex Funk.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$149,999.			
<b>g</b>	Agriculture	Webber Ditch Company	Webber Ditch Diversion and Piping Project
<b>Action:</b> Report by CWCB staff member Alex Funk.			
<b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested of \$250,000.			

### 8 h - s Engagement and Innovation Activities

**Action:** Report by CWCB staff member Ben Wade. A motion to approve the staff recommendations for the Engagement and Innovation Activities Grants 8 h-s was made by Jim Yahn, which was seconded by Jack Goble. Gail Schwartz asked to amend the motion to consider grants 8 i-s and vote on 8h separately. A motion to approve the amended motion was made by Gail Schwartz, which was seconded by Jaclyn Brown. The motion was approved (7-2). A motion to approve the staff recommendations for the Engagement and Innovation Activities Grants 8 i-s was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

<b>h</b>	Engagement & Innovation	10.10.10, a Project of Colorado Nonprofit Development Center	Tackling Wicked Problems in Water and Climate
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**Action:** Report by CWCB staff member Ben Wade. Jeffrey Nathanson with 10.10.10 addressed the Board. A motion to amend the requested dollar amount of \$250,000 to 20% which would now make the amount for approval at \$50,000 was made by Gail Schwartz, which was seconded by Jaclyn Brown. The motion failed (1-8).

A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved (8-1).

**Staff Recommendation:** Staff recommends Board approval of \$72,000 of the grant amount requested.

<b>i</b>	Engagement & Innovation	Coalition for the Poudre River Watershed	Engaging Stakeholders & Communities in the Poudre Through Citizen Science, Collaboration, & Outreach
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**Action:** Report by CWCB staff member Ben Wade.

**Staff Recommendation:** Staff recommends Board approval of \$49,950 of the grant amount requested.

<b>j</b>	Engagement & Innovation	Colorado Ag Water Alliance	Outreach and Capacity Building for Ag Water Projects
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**Action:** Report by CWCB staff member Ben Wade.

**Staff Recommendation:** Staff recommends Board approval of \$12,734 of the grant amount requested.

<b>k</b>	Engagement & Innovation	Colorado Mesa University	CMU Water Education Needs and Capacity Assessment
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**Action:** Report by CWCB staff member Ben Wade.

**Staff Recommendation:** Staff recommends Board approval of \$14,539 of the grant amount requested.

<b>l</b>	Engagement & Innovation	Colorado Open Lands	Sandhill Crane Water Education and Engagement
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**Action:** Report by CWCB staff member Ben Wade. Max Ciaglo with Colorado Open Lands addressed the Board. Director Schwartz disclosed that she serves on the Board of Colorado Open Lands.

**Staff Recommendation:** Staff recommends Board approval of the full grant amount requested of \$7,730.

<b>m</b>	Engagement & Innovation	Dr. Terri Hogue, Colorado School of Mines	Water Engineering Education for the Next Generation (WE2NG), Research Experience for Teachers Program
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**Action:** Report by CWCB staff member Ben Wade.

**Staff Recommendation:** Staff recommends Board approval of the full grant amount requested of \$38,880.

<b>n</b>	Engagement & Innovation	For the Love of Colorado Coalition, a Program of the Keystone Policy Center	For the Love of Colorado Public Education Initiative
<b>Action:</b> Report by CWCB staff member Ben Wade. Tim Wohlgenant with For the Love of Colorado addressed the Board. <b>Staff Recommendation:</b> Staff recommends Board approval of \$85,000 of the grant amount requested.			
<b>o</b>	Engagement & Innovation	Lincoln Hills Cares	Replicable Youth-Driven Innovation Engine to Help Make the South Platte River Swimmable and Fishable
<b>Action:</b> Report by CWCB staff member Ben Wade. Shane Wright and Jorge Figueroa with Lincoln Hills Cares addressed the Board. <b>Staff Recommendation:</b> Staff recommends Board approval of \$21,964 of the grant amount requested.			
<b>p</b>	Engagement & Innovation	National Young Farmers Coalition	Young Farmers and Ranchers Water Leadership Pilot Program
<b>Action:</b> Report by CWCB staff member Ben Wade. <b>Staff Recommendation:</b> Staff recommends Board approval of \$10,000 of the grant amount requested.			
<b>q</b>	Engagement & Innovation	Poudre Heritage Alliance (with CSU Water Resources Archive)	Water Legacy: Documenting Knowledge for Future Generations
<b>Action:</b> Report by CWCB staff member Ben Wade. <b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested \$30,000.			
<b>r</b>	Engagement & Innovation	Rio Grande Watershed Conservation & Education Initiative	Water in the Real World: Youth Education in the Rio Grande Watershed
<b>Action:</b> Report by CWCB staff member Ben Wade. <b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested \$30,000.			
<b>s</b>	Engagement & Innovation	Water Education Colorado	Statewide Water Education Action Plan Launch, Phase I Implementation and Essential Groundwork Actions
<b>Action:</b> Report by CWCB staff member Ben Wade. Scott Williamson with Water Education Colorado addressed the Board. <b>Staff Recommendation:</b> Staff recommends Board approval of the full grant amount requested \$55,709.			
<p style="text-align: center;"><b>8 t – v. Environmental and Recreation</b></p> <b>Action:</b> Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendations for the Environmental and Recreation Grants 8 v was made by Jaclyn Brown, which was seconded by Jack Goble. The motion was approved unanimously (9-0).			
<b>t</b>	Environmental and Recreation	Adams County Parks, Open Space & Cultural Resources	Clear Creek Whitewater Park

<b>Action:</b> Report by CWCB staff member Chris Sturm.			
<b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$100,000.			
<b>u</b>	Environmental and Recreation	Center for Snow and Avalanche Studies	Colorado Dust on Snow Project
<b>Action:</b> Report by CWCB staff member Chris Sturm.			
<b>Staff Recommendation:</b> Not Recommended			
<b>v</b>	Environmental and Recreation	White River and Douglas Creek Conservation Districts	White River Algae Study
<b>Action:</b> Report by CWCB staff member Chris Sturm.			
<b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$90,000.			

<b>8 w –aa. Water Conservation and Land Use Planning</b>			
<b>Action:</b> Report by CWCB staff member Kevin Reidy. A motion to approve the staff recommendations for the Water Conservation and Land Use Planning Grants w - aa was made by Jessica Brody, which was seconded by Gail Schwartz. The motion was approved unanimously (9-0).			
<b>w</b>	Water Conservation and Land Use Planning	Colorado Springs Utilities, an Enterprise of the City of Colorado Springs, a Colorado Home Rule City and Municipal Corporation	Direct Potable Reuse (DPR) Demonstration
<b>Action:</b> Report by CWCB staff member Kevin Reidy.			
<b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$350,000.			
<b>x</b>	Water Conservation and Land Use Planning	Cottonwood Metropolitan District	New Irrigation System Construction
<b>Action:</b> Report by CWCB staff member Kevin Reidy.			
<b>Staff Recommendation:</b> Not Recommended			
<b>y</b>	Water Conservation and Land Use Planning	One Water Solutions Institute – Colorado State University	System and Process for Assessing Water Use of Land Use Decisions
<b>Action:</b> Report by CWCB staff member Kevin Reidy.			
<b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested \$149,249.			
<b>z</b>	Water Conservation and Land Use Planning	Uponor & Phyn & Greyter Water Systems	Sustainable Water Solution (SWS)
<b>Action:</b> Report by CWCB staff member Kevin Reidy.			
<b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$130,000			

<b>aa</b>	Water Conservation and Land Use Planning	Western Resource Advocates	Integrated Water & Land Use Planning in Colorado Communities: Direct Community Assistance
<b>Action:</b> Report by CWCB staff member Kevin Reidy. <b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$79,690.			
<b>8 bb – ee. Water Storage and Supply</b>			
<b>Action:</b> Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendations for the Water Storage and Supply Grants bb - ee was made by Gail Schwartz, which was seconded by Jim Yahn. The motion was approved unanimously (9-0).			
<b>bb</b>	Water Storage and Supply	Laramie Energy, LLC	Hawxhurst Reservoir Rehabilitation
<b>Action:</b> Report by CWCB staff member Anna Mauss. <b>Staff Recommendation:</b> Not Recommended			
<b>cc</b>	Water Storage and Supply	Redlands Water and Power Company	Pumpline Replacement
<b>Action:</b> Report by CWCB staff member Anna Mauss. <b>Staff Recommendation:</b> Not Recommended			
<b>dd</b>	Water Storage and Supply	Town of Erie	Horizontal Well Pilot Project
<b>Action:</b> Report by CWCB staff member Anna Mauss. <b>Staff Recommendation:</b> Staff recommends that the Board approve the full grant amount requested of \$200,000.			
<b>ee</b>	Water Storage and Supply	Water Horse Resources , LLC	Flaming Gorge Green River Project – PrePermitting Phase
<b>Action:</b> Report by CWCB staff member Anna Mauss. <b>Staff Recommendation:</b> Not Recommended			

## 9. Financial Matters

### *Finance Section*

#### a. Financial Projections and Cash Management Report

**Action:** Report by CWCB staff member Kirk Russell. This is an information item and no Board action is required.

#### b. New Policy - Distribution of CWCB Funds

**Action:** Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Gail Schwartz. The motion was approved unanimously. (9-0).

**Staff Recommendation:** Staff recommends that the Board approve Policy 23 - Disbursement of CWCB Grant Funds as a Percentage of the Total Project Cost.



## 10. Water Project Loans

### *Finance Section*

- a. Republican River Water Conservation District – Surface Water Rights Purchase

**Action:** Report by CWCB staff member Rachel Pittinger, David Robbins counsel to Republican River Water Conservation District (RRWCD), and Deb Daniel with the RRWCD. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve a loan not to exceed \$5,570,150 (\$5,515,000 for Project costs and \$55,150 for the 1% service fee) to the Republican River Water Conservation District, acting by and through its water activity enterprise for costs associated with the Surface Water Rights Purchase, from the Severance Tax Perpetual Base Fund. The loan term will be 20 years at a reduced agricultural interest rate of 1.20% annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

- b. Springdale Ditch Company – Diversion Structure Replacement Project

**Action:** Report by CWCB staff member Cole Bedford. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve a loan not to exceed \$1,222,100 (\$1,210,000 for Project costs and \$12,100 for the 1% loan service fee) to the Spring Dale Ditch Company for the Diversion Structure Replacement Project from the Severance Tax Perpetual Base Fund. The loan terms shall be 30 years at a blended rate of 1.45% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

- c. Groundwater Management Subdistrict of Central Colorado Water Conservancy District – Hokestra Reservoir Purchase and Improvements Project

**Action:** Report by CWCB staff member Cole Bedford. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Gail Schwartz. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve a loan not exceed \$5,444,405 (\$5,390,500 for Project costs and \$53,905 for the 1% loan service fee) to the Groundwater Management Sub district, acting by and through the water activity enterprise of Central Colorado Water Conservancy District, for the Hokestra Reservoir Purchase and Improvements Project from the Severance Tax Perpetual Base Fund. The loan terms shall be 30 years at an agricultural interest rate of 1.45% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

## 11. Changes to Existing Water Project Loans - Finance

### *Finance Section*

- a. Pueblo Conservancy District – Arkansas River and Wildhorse Creek Levees

**Action:** Report by CWCB staff member Rachel Pittinger. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board request the General Assembly authorize a loan for \$23,230,000 to the Pueblo Conservancy District in the 2020 CWCB Projects Bill. The \$23,230,000 (\$23,000,000 for Project costs and \$230,000 for the 1% service fee) loan to the Pueblo Conservancy District is for costs related to the Arkansas River and Wildhorse Creek Levees Project, from the Severance Tax Perpetual Base Fund. This is an increase of \$6,060,000 (\$6,000,000 for Project costs and \$60,000 for the 1% service fee). The loan terms shall remain 30 years at low-income municipal interest rate of 2.45% per annum. Security for the loan shall remain in compliance with CWCB Financial Policy #5.

This loan is conditioned upon:

- Pueblo Conservancy District shall payoff the existing loan to Bank of the San Juans as referenced in the original loan contract and shall provide the CWCB with a pay request letter that includes the amount needed to pay in full the existing loan, including the loan number, name, and address of the lender. After CWCB review and acceptance of the request, the CWCB will pay the Pueblo Conservancy District the amount set forth in the request. Payment of said request shall be made at the time of disbursement of loan funds.

b. The Tunnel Water Company - West Half Laramie-Poudre Tunnel Rehabilitation

**Action:** Report by CWCB staff member Rachel Pittinger. Dennis Harmon with the Tunnel Water Company addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board request the General Assembly authorize a loan for \$11,615,000 to The Tunnel Water Company in the 2020 CWCB Projects Bill. The \$11,615,000 (\$11,500,000 for Project costs and \$115,000 for the 1% service fee) loan to The Tunnel Water Company is for costs related to the West Half of the Laramie-Poudre Tunnel Rehabilitation Project, from the Construction Fund. This is an increase of \$2,525,000 (\$2,500,000 for Project costs and \$25,000 for the 1% service fee). The loan terms shall remain 30 years at blended interest rate of 2.85% per annum. Security for the loan shall remain in compliance with CWCB Financial Policy #5.

## 12. 2020 Projects Bill

a. Non-Reimbursable Project Investments "En-Bloc" Approval

1. Satellite Monitoring - Continuation
2. Colorado Floodplain Map Modernization Program - Continuation
3. Weather Modification Permitting Program - Continuation
4. Colorado Mesonet Project - Continuation
5. Lidar Acquisition - Continuation
6. Litigation Fund - Refresh (up to \$2M)
7. Arkansas River DSS - Continuation
8. CDSS Operations & Maintenance - Continuation
9. Watershed Forecasting Partnership Program - Continuation

**Action:** Report by CWCB staff member Kirk Russell. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends that the Board approve the Non-Reimbursable Investments listed above for inclusion in the 2020 Projects Bill.

b. Non-Reimbursable Project Investments – Presentations

1. Fish & Wildlife Resource Fund – Refresh

**Action:** Report by CWCB staff member Chris Sturm. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Jaclyn Brown. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board’s approval to authorize a transfer of \$1,000,000 from the Construction Fund to the Fish and Wildlife Resources Fund.

2. Water Loss Control Initiative PH II – Continuation

**Action:** Report by CWCB staff member Kevin Reidy. A motion to approve the staff recommendation was made by Gail Schwartz, which was seconded by Curran Trick. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve \$1,000,000 in Non-Reimbursable Investments for the Colorado Water Loss Initiative Phase II to be included in the 2020 Projects Bill.

3. ATM Grant Program – Continuation

**Action:** Report by CWCB staff member Alex Funk. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Jim Yahn. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve a \$750,000 Non-Reimbursable Investment for ATM Grant Program to be included in the 2020 Projects Bill.

c. Non-Reimbursable Project Investments – Water Plan Implementation Funding

**Action:** Report by CWCB staff member Lauren Ris. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Curran Trick. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve the \$12.25 million Water Plan Implementation funding plan for inclusion in the 2020 Projects Bill.

d. Southeast Colorado Water Conservancy District – Arkansas Conduit Project – Funding Package.

**Action:** Report by CWCB staff member Kirk Russell. Alan Hamel and Bill Long with Southeastern Colorado Water Conservancy District, Tom Seaba with La Junta Utilities, Rick Jones with May Valley Water Company, and Norman Noe with South Swink Water Company 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 (9-0).

**Staff Recommendation:** Staff recommends that the Board include a \$100,000,000 funding package in the 2020 Projects Bill for consideration by the Bill sponsors. The funding package includes a \$90,000,000 loan and a \$10,000,000 Non-Reimbursable Investment to the Southeastern Colorado Water Conservancy District, acting by and through its Water Activity Enterprise for costs related to the Arkansas Valley Conduit Project from the Severance Tax Perpetual Base Fund.

**Condition of Approval:**

The District shall submit a completed Loan Feasibility Study for final CWCB loan approval which will establish the loan terms. The District will also submit a NRI (grant) disbursement plan for CWCB approval prior to entering into a contract for this funding package.

## **Thursday, November 21, 2019**

### **13. Basin Directors' Reports**

- a. Colorado River (Mainstem) Basin Director's Report - Gail Schwartz
- b. San Juan/San Miguel-Dolores River Basin Director's Report - Celene Hawkins
- c. Gunnison River Basin Director's Report - Steve Anderson
- d. North Platte River Basin Director's Report - Curran Trick
- e. South Platte River Basin Director's Report - Jim Yahn
- f. Arkansas River Basin Director's Report - Jack Goble
- g. City and County of Denver Director's Report - Jessica Brody
- h. Rio Grande River Basin Director's Report - Heather Dutton
- i. Yampa-White River Basin Director's Report - Jaclyn Brown

### **14. Attorney General's Report, Legal Briefing, Update from Hearing Officer on Contested Trout Creek Instream Flow Appropriation, and Executive Session**

Action: Report by Attorney General Phil Weiser and Counsel to the Board, Deputy Attorney General Amy Beatie. A motion to go into Executive Session was made by Celene Hawkins, which was seconded by Jaclyn Brown. The motion was approved unanimously (9-0).

### **16. Report from Executive Session**

Action: Report by Counsel to the Board, Deputy Attorney General Amy Beatie. A motion to go out of Executive Session was made by Jim Yahn, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

### **17. WSRF Grant Applications**

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

<b>Agenda Item</b>	<b>Basin</b>	<b>Applicant</b>	<b>Name of Water Activity</b>
<b>a.</b>	Yampa/White/Green	Yampatika Outdoor Awareness Association	Yampa White Green Rivers K-12 Curriculum

**Action:** Report by CWCB staff member Greg Johnson. A motion to approve the staff recommendation was made by Jaclyn Brown, which was seconded by Curran Trick. The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends that the Board approve up to \$99,053 from the Yampa/White/Green Basin Account to help fund the project titled: Yampa White Green Youth Water Education.

<b>b.</b>	Colorado	Roy and Shawna Fazzi	Fazzi Washout Pipeline
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**Action:** Report by CWCB staff member Greg Johnson. A motion to approve the staff recommendation was made by Gail Schwartz, which was seconded by Jaclyn Brown. The motion was approved unanimously (9-0).

<b>Staff Recommendation:</b> Staff recommends that the Board approve up to \$20,000 from the Colorado Basin Account to help fund the project titled: Fazzi Washout Pipeline.			
c.	Colorado	Missouri Heights Mountain Meadow Ditch Company	Irrigation Pipeline Final Phase B2
<p><b>Action:</b> Report by CWCB staff member Greg Johnson. A motion to approve the staff recommendation was made by Gail Schwartz, which was seconded by Jim Yahn. The motion was approved unanimously (9-0).</p> <p><b>Staff Recommendation:</b> Staff recommends that the Board approve up to \$40,000 from the Colorado Basin Account to help fund the project titled: Irrigation Pipeline Final Phase B2.</p>			
<p><b>18. Water Efficiency Grant Fund - Application from Western Resource Advocates</b>  <i>Water Supply Planning Section</i></p> <p><b>Action:</b> Report by CWCB staff member Ben Wade and Charlotte Roehm with Western Resource Advocates. A motion to approve the staff recommendation was made by Jessica Brody, which was seconded by Jack Goble. The motion was approved unanimously (9-0).</p> <p><b>Staff Recommendation:</b> Staff recommends that the Board approve a Water Efficiency Grant to Western Resource Advocates for up to \$105,427 for the project titled, "Removing Barriers: Building Capacity to Implement Critical Water Conservation and Efficiency."</p>			
<p><b>19. Weather Modification Update</b>  <i>Interstate, Federal, and Water Section</i></p> <p><b>Action:</b> Report by CWCB staff member Andrew Rickert. Frank McDonough with Desert Research Institute addressed the Board.</p> <p><b>Staff Recommendation:</b> This item is informational only, no Board action required.</p>			
<p><b>20. Bureau of Reclamation WaterSMART Applied Science Grant (seeking resolution)</b>  <i>Interstate, Federal, and Water Section</i></p> <p><b>Action:</b> Report by CWCB staff member Brian Macpherson. A motion to approve the staff recommendation was made by Jack Goble, which was seconded by Gail Schwartz. The motion was approved unanimously (9-0).</p> <p><b>Staff Recommendation:</b> Staff recommends that the Board approve passage of an official resolution that is recommended that authorizes the CWCB to commit to the financial and legal obligations associated with receipt of a financial assistance award from the Bureau of Reclamation WaterSMART grant program.</p>			
<p><b>21. Alternative Transfer Method Program Development and Planning Project</b>  <i>Interstate, Federal, and Water Section</i></p> <p><b>Action:</b> Report by CWCB staff member Alex Funk.</p> <p><b>Staff Recommendation:</b> This item is informational only, with no Board action requested</p>			

**22. Alternative Agricultural Transfer Method Grant Program,  
Lower Arkansas Valley Water Conservancy District**

*Interstate, Federal, and Water Section*

**a. Super Ditch Operations and Administrative Program**

**Action:** Report by CWCB staff member Alex Funk. Mike Webber with Lower Arkansas Water Conservancy District addressed the Board. A motion to approve the staff recommendation was made by Jim Yahn, which was seconded by Gail Schwartz. The motion was approved unanimously (8-0), Jack Goble recused himself from this vote.

**Staff Recommendation:** Staff recommends that the Board approve up to \$255,460 from the Alternative Agricultural Water Transfer Methods Grant Program to help fund the "Super Ditch Operations and Administration" project.

**b. Ag-Municipal Conservation Easement Demonstration**

**Action:** Report by CWCB staff member Alex Funk. Lee Hancock with Lower Arkansas Water Conservancy District addressed the Board. The Board decided to table this staff recommendation until the January 2020 Board meeting.

**23. Stockwatering Uses Claimed Under Section 37-92-102(3)(b), C.R.S.**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Linda Bassi. Jason Turner and Andy Mueller with the Colorado River Water Conservation District, Mike Camblin with Colorado Cattlemen's Association, and Beth VanVurst and Frank Kugel with the Southwestern Water Conservation District addressed the Board.

**Staff Recommendation:** This item is informational only, with no Board action requested

**24. Request for Authorization to Proceed to Trial, Case No.**

**16CW3193, (Water Division 1) - Application of United States of America**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Kaylea White. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jack Goble. The motion was approved unanimously (9-0).

**Staff Recommendation:** Pursuant to ISF Rule 8j, Staff recommends that the Board authorize Staff to proceed to trial to protect its instream flow water rights in the event that Staff and the Attorney General's Office are unable to reach a settlement with Applicant before trial.

**25. Proposed Lease of Water for Use in the 15-Mile Reach of the  
Colorado River, Water Division 5**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Linda Bassi.

**Staff Recommendation:** Pursuant to Rule 6b. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program ("ISF Rules"), the Board's consideration of this proposal at this meeting will initiate the 120-day period for Board review. No formal action is required at this time. The initial presentation of this proposal provides an opportunity for the Board and the public to identify questions or concerns that Staff will address at this or a subsequent meeting.

**26. Notice of Recommended 2020 Instream Flow Appropriations in Water Divisions 1, 2, 4, and 6**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Rob Viehl.

**Staff Recommendation:** This is an informational item that provides notice of recommended stream segments that staff may bring to the Board in January or March 2020 with a recommendation that the Board form its intent to appropriate ISF water rights. No Board action is required.

**27. Proposed Revision to Appropriation Dates of Disappointment Creek Instream Flow Appropriations, Water Division 7**

*Stream and Lake Protection Section*

**Action:** Report by CWCB staff member Rob Viehl. A motion to approve the staff recommendation was made by Celene Hawkins, which was seconded by Jim Yahn. The motion was approved unanimously (8-0), Jessica Brody left the meeting.

**Staff Recommendation:** Staff recommends that the Board pursuant to ISF Rule 5f., modify the appropriation date of the two ISF segments on Disappointment Creek from January 29, 2019 to September 18, 2019, the date of final action on these ISF appropriations.

**ADJOURN**

A motion to adjourn the November 2019 Board meeting was made by Jack Goble, which was seconded by Gail Schwartz. The motion was approved unanimously (8-0).