



**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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## January 25 & 26, 2021 Board Meeting Agenda

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A meeting of the CWCB will be held on Monday, January 25, 2021 commencing at 9:00AM and continuing through Tuesday, January 26, 2021. The meeting will be held virtually.

The CWCB posts notice 30 days in advance of each regularly scheduled meeting. Notices for special meetings are posted on the website typically within five business days and not less than 24 hours of such a meeting. Notices of regular and special meetings may also be received by email. To receive notices by email please visit:

<https://dwr.state.co.us/Portal/Login/>.

Although dates and times are indicated in this notice and in the following agenda, the CWCB may address and take action on noticed items in any order. Any known changes to the agenda will be announced at the beginning of the meeting. This notice, any late notice(s) of additional items, and briefing memos prepared for the CWCB will be posted at 1313 Sherman Street, Suite 721, Denver, CO 80203, and on our website at <https://cwcb.colorado.gov/>.

The CWCB meeting will be made available through live audio streaming on Youtube, although Board workshops are not. To listen to the proceedings, click the "Listen to the meeting LIVE!" link on the CWCB website homepage and select the link for the proper day and time. The link will be posted just prior to the start of the meeting.

The CWCB encourages citizens to express their views and provide feedback to the Board on the agenda items. This can be done by sending an email to [viola.bralish@state.co.us](mailto:viola.bralish@state.co.us), by sending a letter to a Board member or to the Chair of the Board, or by attending the meeting. If you want to make a public comment during the meeting you must fill out a [comment sheet](#) 5 days prior to the meeting date and email it to the [Board Coordinator](#). The Board will appreciate hearing your views when it reaches that agenda item. If you have any questions, need special accommodations as a result of a disability, or require further information on any CWCB activity, please contact Viola Bralish at 303-866-3441, ext. 3206. All programs, services, and activities of the CWCB are operated in compliance with the Federal Americans with Disabilities Act (ADA).



Monday, January 25, 2021	
9:00 - 9:02	<b>CWCB Call to Order and Pledge of Allegiance</b>
9:02 - 9:05	<b>1. Review and Approve Agenda</b>
9:05 - 9:07	<b>2. Review and Approve November 2020 Board Meeting Minutes</b>
9:07 - 9:10	<b>3. Approve and/or Remove Consent Agenda Items</b>
9:10	<p><b>Board Meeting Dates in 2021</b></p> <ul style="list-style-type: none"> <li>a. March 10 &amp; 11 – TBD ( <i>note that the date has been changed to the 2<sup>nd</sup> week of March</i> )</li> <li>b. May 19 &amp; 20 – TBD</li> <li>c. July 21 &amp; 22 – TBD</li> <li>d. September 15 &amp; 16 – TBD ( <b>finance committee meeting on September 14</b> )</li> <li>e. November 17 &amp; 18 – TBD</li> </ul>
9:10 -10:10	<p><b>4. Directors' Reports</b></p> <ul style="list-style-type: none"> <li>a. <b>DNR Executive Director</b></li> <li>b. <b>CWCB Director</b></li> <li>c. <b>IBCC Director</b></li> <li>d. <b>Agriculture Commissioner</b></li> <li>e. <b>State Engineer</b></li> <li>f. <b>Division of Parks and Wildlife Director</b></li> <li>g. <b>Water Resource and Power Development Authority</b></li> </ul>
10:10-10:20	<p><b>5. Financial Matters – Construction Fund and Severance Tax Perpetual Base Fund</b></p> <p><i>Finance Section</i></p> <ul style="list-style-type: none"> <li>a. <b>Financial Projections and Cash Management Report</b></li> </ul>
10:20-10:30	<p><b>6. Water Project Loans</b></p> <p><i>Finance Section</i></p> <ul style="list-style-type: none"> <li>a. North Sterling Irrigation District – Outlet Canal Automation Phase II Project</li> </ul> <p><i>Action item</i></p>
10:30-10:45	<b>Morning Break</b>
10:45-11:15	<p><b>7. Loan Delinquency Action</b></p> <p><i>Finance Section</i></p> <ul style="list-style-type: none"> <li>a. Two Rivers Water &amp; Farming Company, and Two Rivers Farms F-2, Inc.</li> </ul>

11:15-11:25	<b>8. 2021 Projects Bill Summary</b> <i>Finance Section</i>
11:25-11:40	<b>9. Colorado River Updates</b> <i>Interstate, Federal, and Water Information Section</i>
11:40-Noon	<b>10. Draft CWCB Conservation Easement Grant Policy</b> <i>Interstate, Federal, and Water Information Section</i>
12:00-12:45	<b>LUNCH</b>
12:45-1:45	<b>11. Demand Management Feasibility Investigation Update</b> <i>Interstate, Federal, and Water Information Section</i>
1:45-2:15	<b>12. Colorado Water Plan Status Update</b> <i>Water Supply and Planning Section</i>
2:15-2:20	<b>13. Attorney General’s Report, Legal Briefing, and Executive Session</b>
2:20-2:35	<b>Break to Transition to Executive Session</b>
2:35-3:20	<b>14. Executive Session</b> <ul style="list-style-type: none"> <li>a. Case No. 1-17CW3212 (Water Division 1): Application of City of Lafayette, City of Boulder, and the Colorado Water Conservation Board</li> <li>b. Demand Management Feasibility Investigation Step II Update</li> <li>c. 2026 Guidelines</li> <li>d. Database and Document Production</li> </ul>
3:20-3:25	<b>15. Report from Executive Session</b>
3:25-3:35	<b>16. Request for Authorization to Proceed to Trial – Case No. 1-17CW3212 (Water Division 1): Application of City of Lafayette, City of Boulder, and the Colorado Water Conservation Board</b> <i>Stream and Lake Protection Section</i> <i>Action item</i>
3:35-4:05	<b>17. 2021 Instream Flow Appropriations in Water Divisions 1, 2, 4, 6, and 7</b> <i>Stream and Lake Protection Section</i> <i>Action Item</i>
4:05-4:50	<b>18. Plan for Augmentation to Augment Stream Flows on the Cache la Poudre River (Water Division 1)</b> <i>Stream and Lake Protection Section</i> <ul style="list-style-type: none"> <li>a. Proposed Acquisition of Contractual Interest in City of Fort Collins “Seed Water Rights” for Use in Plan for Augmentation to Augment Stream Flows on the Cache la Poudre River</li> </ul>

	<p>b. Proposed Acquisition of Contractual Interest in City of Greeley “Seed Water Rights” for Use in Plan for Augmentation to Augment Stream Flows on the Cache la Poudre River</p> <p>c. Proposed Acquisition of Contractual Interest in City of Thornton “Seed Water Rights” for Use in Plan for Augmentation to Augment Stream Flows on the Cache la Poudre River</p> <p><i>Action Item</i></p>
4:50	<b>RECESS</b>

Tuesday, January 26, 2021

9:00-Noon

**19. Rulemaking Hearing to Revise Rules Concerning Colorado's  
Instream Flow and Natural Lake Level Program, 2 CCR 408-2**  
*Hearing Officer Amy Beatie*

Noon-12:45

**LUNCH**

12:45-2:15

**20. Basin Directors' Reports**

- a. Arkansas River Basin Director's Report
- b. City and County of Denver Director's Report
- c. Rio Grande River Basin Director's Report
- d. Yampa-White River Basin Director's Report
- e. Colorado River (Mainstem) Basin Director's Report
- f. San Juan/San Miguel-Dolores River Basin Director's Report
- g. Gunnison River Basin Director's Report
- h. North Platte River Basin Director's Report
- i. South Platte River Basin Director's Report

2:15-2:45

**21. Grant Evaluation Review**

2:45

**ADJOURN**

## **CWCB Consent Agenda January 25, 2021**

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. 20CW3145 (Water Division 1): Application of Angling Aquatics
- b. Case No. 20CW3014 (Water Division 3): Application of Blanca Ranch Holdings, LLC and Trinchera Ranch Holdings, LLC
- c. Case No. 20CW3044 (Water Division 6): Knott Land and Livestock Company, Inc.

### **2. Colorado Watershed Restoration Program - Grant Funding Recommendations**

#### *Watershed and Flood Protection Section*

- a. Spanish Peaks – Purgatoire River Conservation District - Purgatoire River Watershed Riparian Rehabilitation Project, Phase V – Arkansas Basin
- b. Town of Carbondale - Crystal River Restoration and Weaver Ditch Efficiency Project – Colorado Basin
- c. Northern Colorado Water Conservancy District – Ecosystem Restoration of Select Sites in the Kawuneeche Valley – Colorado Basin
- d. Trout Unlimited – Stewart Mesa Canal Diversion Modification and Restoration Project – Gunnison Basin
- e. Upper Gunnison River Water Conservancy District – Upper Gunnison Water, Forest and Range Resiliency – Gunnison Basin
- f. Adams County – South Platte River Vision and Implementation Plan – South Platte Basin
- g. Fourmile Watershed Coalition - Forested Headwaters: A Landscapes and Communities Assessment – South Platte Basin

- h.** Conservation Legacy – Animas River Invasive Phreatophyte Removal, Stewardship and Continued Restoration – Southwest Basin
- i.** Blue River Watershed Group – Blue River Integrated Water Management Plan, Phase II – Colorado Basin
- j.** Middle Colorado Watershed Council – Middle Colorado Integrated Water Management Plan Implementation, Phase I – Colorado Basin

### **3. Flood Plain Designations**

#### *Watershed and Flood Protection Section*

- a.** *“Flood Insurance Study, Jefferson County and Incorporated Areas”, by FEMA, dated December 2019*
- b.** *“Flood Insurance Study, Clear Creek County and Incorporated Areas”, by FEMA, dated December 2019*
- c.** *“Flood Insurance Study, Jefferson County and Incorporated Areas”, by FEMA, dated January 2021*
- d.** *“Flood Insurance Study, Larimer County and Incorporated Areas”, by FEMA, dated January 2021*