



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

Jared Polis
Governor

Dan Gibbs
DNR Executive Director

Rebecca Mitchell
CWCB Director

May 19 -20, 2021 Board Meeting Agenda

A meeting of the CWCB will be held on Wednesday, May 19, 2021 commencing at 8:30 AM and continuing through Thursday, May 20, 2021. The meeting will be held virtually on Zoom.

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's meetings are 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 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](#) 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).



<u>Wednesday, May 19, 2021</u>	
8:30 -8:32	CWCB Call to Order and Pledge of Allegiance
8:32 - 8:35	1. Review and Approve Agenda
8:35 - 8:37	2. Review and Approve March 10-11, 2021 Board Meeting Minutes
8:37 - 8:40	3. Approve and/or Remove Consent Agenda Items
8:40	Board Meeting Dates in 2021 a. July 21 & 22 - TBD b. September 15 & 16 - TBD <i>(Finance committee meeting September 14)</i> c. November 17 & 18 - TBD
8:40 -9:40	4. Directors' Reports a. DNR Executive Director b. CWCB Director c. IBCC Director d. Agriculture Commissioner e. State Engineer f. Division of Parks and Wildlife Director g. Water Resource and Power Development Authority
9:40-9:50	5. Public Comment on 2021 Instream Flow Appropriations in Water Divisions 2 and 4 <i>Stream and Lake Protection Section</i>
9:50-10:10	6. Final Action on Uncontested 2021 Instream Flow Appropriations in Water Divisions 1 and 4 <i>Stream and Lake Protection Section</i>
10:10-10:25	Morning BREAK
10:25-10:35	7. Contested 2021 Instream Flow Appropriation in Water Division 7 <i>Stream and Lake Protection Section</i>
10:35-10:45	8. Renewal of Ute Water Conservancy District Lease of Ruedi Water for Instream Flow Use in the 15-Mile Reach (Water Division 5) <i>Stream and Lake Protection Section</i>
10:45-10:50	9. Attorney General's Report, Legal Briefing, and Executive Session
10:50-12:10	10. Executive Session a. Case No. 1-18CW3195 (Water Division 1): Application of

	<p>City of Brighton - Stream and Lake Protection Section</p> <p>b. Case No. 2-18CW3076 (Water Division 2): Application of Upper Arkansas Water Conservancy District</p> <p>c. Two Rivers Water & Farming Company, and Two Rivers Farms F-2, Inc. - Finance Section</p> <p>d. Colorado River Update</p> <p>e. Colorado Litigation Fund</p>
12:10-12:15	11. Report from Executive Session
12:15-12:45	LUNCH
12:45-12:55	<p>12. Loan Delinquency Action</p> <p>Two Rivers Water & Farming Company, and Two Rivers Farms F-2, Inc.</p> <p><i>Finance Section</i></p>
12:55-1:05	<p>13. Request for Authorization to Proceed to Trial - Case No. 1-18CW3195 (Water Division 1): Application of City of Brighton</p> <p><i>Stream and Lake Protection Section</i></p>
1:05-1:15	<p>14. Request for Authorization to Proceed to Trial - Case No. 2-18CW3076 (Water Division 2): Application of Upper Arkansas Water Conservancy District</p> <p><i>Stream and Lake Protection Section</i></p>
1:15-1:25	<p>15. Colorado River Litigation Fund</p> <p><i>Interstate, Federal, and Water Information Section</i></p>
1:25-2:25	<p>16. Colorado River Updates</p> <p><i>Interstate, Federal, and Water Information Section</i></p>
2:25-2:55	<p>17. Demand Management Feasibility Investigation Update</p> <p><i>Interstate, Federal, and Water Information Section</i></p>
2:55-3:10	Afternoon BREAK
3:10-3:20	<p>18. Update on the State Line Delivery Pilot Reservoir Release</p> <p><i>Interstate, Federal, and Water Information Section</i></p>
3:20-3:30	<p>19. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund</p> <p><i>Finance Section</i></p> <p>Financial Projections and Cash Management Report</p>
3:30-3:55	<p>20. Water Project Loans</p> <p><i>Finance Section</i></p> <p>a. Redmesa Reservoir and Ditch Company - Redmesa Reservoir Rehabilitation Engineering</p> <p>b. South Platte Ditch Company - Diversion Structure Rehabilitation</p>

3:55-4:05	21. Change to Existing Loan <i>Finance Section</i> Orphan Wells of Wiggins - Kiowa Creek Dam Rehabilitation
4:05-4:35	22. Proposition DD Presentation (Department of Revenue) <i>Operations Section</i>
4:35-5:05	23. Grant Recommendations <i>Operations Section</i>
5:05	RECESS

Thursday, May 20, 2021

8:30 - 10:00	24. Basin Directors' Reports <ul style="list-style-type: none">a. Arkansas River Basin Director's Reportb. City and County of Denver Director's Reportc. Rio Grande River Basin Director's Reportd. Yampa-White River Basin Director's Reporte. Colorado River (Mainstem) Basin Director's Reportf. San Juan/San Miguel-Dolores River Basin Director's Reportg. Gunnison River Basin Director's Reporth. North Platte River Basin Director's Reporti. South Platte River Basin Director's Report
10:00 -10:15	Morning BREAK
10:15-10:35	25. Dam Safety Branch <i>Finance Section</i>
10:35-10:55	26. Floodplain Rules and Criteria Manual Update <i>Watershed and Flood Protection Section</i>
10:55-11:15	27. Water Plan and BIP Update Status <i>Water Supply Planning Section</i>
11:15-11:30	28. Evaluating Conserved Consumptive Use in the Upper Colorado River Project Update <i>Interstate, Federal, and Water Information Section</i>
11:30	ADJOURN

CWCB Consent Agenda May 19 - 20, 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. 21CW3018 (Water Division 1): Application of St. Vrain & Left Hand Water Conservancy District
- b. Case No. 21CW3013 (Water Division 5): Application of The Robert and Cheryl Balgley Living Trust Dated February 3, 2017
- c. Case No. 21CW3014 (Water Division 5): Application of Q4 Snowmass Ranch LLC
- d. Case No. 21CW3021 (Water Division 5): Application of Biscayne Trust

2. Water Supply Reserve Fund Application Grants

	Basin	Applicant	Name of Water Activity	Amount
a.	Southwest	Montezuma School to Farm Project	Water Education: Addressing the Middle School Gap	\$25,000

3. Flood Plain Designations

Watershed and Flood Protection Section

- a. "Flood Insurance Study, Logan County and Incorporated Areas", by FEMA, dated May 2021
- b. "Flood Insurance Study, Morgan County and Incorporated Areas", by FEMA, dated May 2021

- c. "Flood Insurance Study, Sedgwick County and Incorporated Areas ", by FEMA, dated May 2021
- d. "Flood Insurance Study, Washington County and Incorporated Areas", by FEMA, dated May 2021
- e. "Flood Hazard Area Delineation, Plum Creek, East Plum Creek, West Plum Creek", by Enginuity Engineering Solutions, dated November 2019

4. Limited Use License - The Pint Room

Watershed and Flood Protection Section