



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

Jared Polis
Governor

Dan Gibbs
DNR Executive Director

Rebecca Mitchell
CWCB Director

September 15 & 16, 2021 Board Meeting Agenda

A meeting of the CWCB will be held on Wednesday, September 15, 2021 commencing at 9:00 AM and continuing through Thursday, September 16, 2021. The meeting will be held virtually on Zoom and in person at The Centennial Building 1313 Sherman St., Room 318 Denver, CO. 80203.

A Finance Committee Meeting will be held in person at The Centennial Building 1313 Sherman St., room 318 Denver, CO. 80203 and virtually on Zoom Tuesday, September 14, 2021, from 1:00 - 5:00p.m.

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://cwc.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).



Wednesday, September 15, 2021

9:00 -9:02	CWCB Call to Order and Pledge of Allegiance
9:02 - 9:05	1. Review and Approve Agenda
9:05 - 9:07	2. Review and Approve July 21-22, 2021 Board Meeting Minutes
9:07 - 9:10	3. Approve and/or Remove Consent Agenda Items
9:10	Board Meeting Dates in 2021 a. November 17 & 18 - TBD Board Meeting Dates in 2022 a. January 19 - 20 or 24 -25 - TBD b. March 16 - 17 or March 9-10 - TBD c. May 18 - 19 - TBD d. July 20 - 21 - TBD e. September 21 - 22 - TBD (<i>Finance Committee Meeting Sept. 20</i>) f. November 16 - 17 - TBD
9:10 -10:10	4. Directors' Reports a. DNR Executive Director b. CWCB Director c. Agriculture Commissioner d. State Engineer e. Division of Parks and Wildlife Director f. Water Resource and Power Development Authority
10:10-10:20	5. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund <i>Finance Section</i> <ul style="list-style-type: none">• Financial Projections and Cash Management Report
10:20-10:30	6. Water Project Loan <i>Finance Section</i> <ul style="list-style-type: none">• Billings Ditch Company - Billings Ditch Implementation Project
10:30-10:45	Morning BREAK
10:45-10:55	7. Loan Delinquency Action <i>Finance Section</i> <ul style="list-style-type: none">• Two Rivers Water & Farming Company, and Two Rivers Farms F-2, Inc.

10:55-11:25	<p>8. Chatfield Shares Sales <i>Finance Section</i></p> <ul style="list-style-type: none"> a. Castle Pines Metro b. Center of Colorado Water Conservancy District
11:25-11:45	<p>9. Lessons Learned from Compact Administration Stories <i>Interstate, Federal, and Water Information Section</i></p>
11:45-11:55	<p>10. Colorado Department of Agriculture Priorities and Demand Management <i>Interstate, Federal, and Water Information Section</i></p>
11:55-12:55	LUNCH
12:55-1:10	<p>11. Final Action - 2021 Contested ISF Appropriation on Rincon La Vaca Creek (Water Division 7) <i>Stream & Lake Protection Section</i></p>
1:10-1:20	12. Attorney General's Report, Legal Briefing, and Executive Session
1:20-2:45	<p>13. Executive Session</p> <ul style="list-style-type: none"> a. Case No. 18CW3048 (Water Division 2): Application of Young Life and the Upper Arkansas Water Conservancy District b. Colorado River Interstate Matters c. Demand Management Feasibility Investigation
2:45-2:50	14. Report from Executive Session
2:50-3:05	Afternoon BREAK
3:05-3:15	<p>15. Request for Authorization to Proceed to Trial - Case No. 18CW3048 (Water Division 2): Application of Young Life and the Upper Arkansas Water Conservancy District <i>Stream & Lake Protection Section</i></p>
3:15-3:30	<p>16. Proposed Lease of Water for Instream Flow Use in the 15-Mile Reach of the Colorado River, Water Division 5 (Garfield County) <i>Stream & Lake Protection Section</i></p>
3:30-3:50	<p>17. Colorado River Updates <i>Interstate, Federal, and Water Information Section</i></p>
3:50-4:50	<p>18. Demand Management Feasibility Investigation Update <i>Interstate, Federal, and Water Information Section</i></p>
4:50	RECESS

Thursday, September 16, 2021

8:30-10:15	<p>19. Basin Directors' Reports</p> <ul style="list-style-type: none"> a. South Platte River Basin Director's Report b. Arkansas River Basin Director's Report c. City and County of Denver Director's Report d. Rio Grande River Basin Director's Report e. Yampa-White River Basin Director's Report f. Colorado River (Mainstem) Basin Director's Report g. San Juan/San Miguel-Dolores River Basin Director's Report h. Gunnison River Basin Director's Report i. North Platte River Basin Director's Report
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10:15-10:30	Morning BREAK
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10:30-11:10	<p>20. Colorado Water Plan Update <i>Water Supply Planning Section</i></p>
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11:10-11:25	<p>21. Water Supply Reserve Fund Applications for Consideration at the September 2021 CWCB Board Meeting</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;"></th> <th style="width: 15%;">Basin</th> <th style="width: 15%;">Applicant</th> <th style="width: 15%;">Name of Water Activity</th> <th style="width: 10%;">Basin(s) Account Request</th> <th style="width: 10%;">Statewide Account Requests</th> <th style="width: 10%;">Total Requests</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;">a.</td> <td style="text-align: center;">Metro</td> <td rowspan="2" style="text-align: center;">East Cherry Creek Valley Water & Sanitation District</td> <td rowspan="2" style="text-align: center;">Aquifer Recharge Study</td> <td style="text-align: center;">\$25,000</td> <td rowspan="2" style="text-align: center;">\$75,000</td> <td rowspan="2" style="text-align: center;">\$125,000</td> </tr> <tr> <td style="text-align: center;">South Platte</td> <td style="text-align: center;">\$25,000</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">b.</td> <td style="text-align: center;">Yampa/White/Green</td> <td style="text-align: center;">The Nature Conservancy</td> <td style="text-align: center;">Maybell Diversion & Headgate Telemetry</td> <td style="text-align: center;">\$34,000</td> <td style="text-align: center;">\$66,000</td> <td style="text-align: center;">\$100,000</td> </tr> </tbody> </table>		Basin	Applicant	Name of Water Activity	Basin(s) Account Request	Statewide Account Requests	Total Requests	a.	Metro	East Cherry Creek Valley Water & Sanitation District	Aquifer Recharge Study	\$25,000	\$75,000	\$125,000	South Platte	\$25,000	b.	Yampa/White/Green	The Nature Conservancy	Maybell Diversion & Headgate Telemetry	\$34,000	\$66,000	\$100,000
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11:25-11:45	<p>22. Wildfire Ready Watersheds, Statewide Susceptibility Analysis and Framework Update <i>Watershed and Flood Protection Section</i></p>
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11:45-12:05	<p>23. Floodplain Rules and Regulations Rulemaking Update <i>Watershed and Flood Protection Section</i></p>
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12:05-12:15	<p>24. South Platte River Temporary Use Permit, Xcel Energy <i>Watershed and Flood Protection Section</i></p>
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12:15-1:15	LUNCH
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1:15-2:15

25. Water Plan Grants

	Applicant	Name of Water Activity
AGRICULTURE		
a	Colorado Department of Agriculture	Advancing Soil Health through Technical Assistance and Producer Incentives in the Republican River Watershed
b	Colorado State University	Developing Irrigation Infrastructure at CSU-ARDEC to Support Innovative Research in Irrigation Efficiency, Water Use, & Re-Use
c	Colorado Master Irrigator	Colorado Master Irrigator - Statewide Expansion & Coordination
d	Rocky Mountain Farmers Union Educational and Charitable Foundation	Drought Advisors Capacity and Research Project
ENGAGEMENT & INNOVATION		
e	Colorado Cattlemen's Association	CCA/CAWA 2-YR Agricultural Water Priorities - Infrastructure Assessment, Storage and Outreach
ENVIRONMENT & RECREATION		
f	CO Parks & Wildlife	North Elk Creek Fish Barrier Construction Project
g	CO Rio Grande Restoration Foundation	2021 Rio Grande Diversion Infrastructure, Recreation & Habitat Improvement Project
h	Purgatoire Watershed Partnership	Purgatoire River Baca-Picketwire Diversion Dam Multi-Use Restoration Project
i	Roaring Fork Conservancy	Crystal River at Riverfront Park Restoration & Efficiency Project
j	Trout Unlimited	Poudre Headwaters Restoration - Grand Ditch Barrier
k	Windy Gap Water Activity Enterprise	Colorado River Connectivity Channel (aka Windy Gap Bypass)
STORAGE & SUPPLY		
l	Central Colorado Water Conservancy District	Robert W. Walker Recharge Project - Wiggins Farm Pond & Pipeline
m	Colorado Open Lands	Upper Rio Grande Partnership to Preserve Agriculture and Restore Aquifers (PARA)
n	Donala Water & Sanitation District	Donala & Triview Collaborative ASR Design
o	Farmers Reservoir & Irrigation Company	Barr Lake Maximum Normal Operating Water Level Raise

	p	Rio Grande Water Conservation District	Colorado's Rio Grande Basin Water Cooperative Project
	q	Town of Dove Creek	Reservoir No. 2 Dove Creek Water Treatment Facility
2:15 - 2:30	26. Severance Tax Operational Fund - Grant Funding <i>Administration & Operations Section</i>		
2:30	Adjourn		

CWCB Consent Agenda September 15-16, 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. 21CW3014 (Water Division 3): Application of The United States of America (BLM)
- b. Case No. 21CW3082 (Water Division 5): Application of 153 LLC
- c. Case No. 21CW3085 (Water Division 5): Application of Elk Run Ranch Aspen Holdings, LLC and 4303 Snowmass Creek, LLC
- d. Case No. 21CW3086 (Water Division 5): Application of Elk Run Ranch Aspen Holdings, LLC and 4303 Snowmass Creek, LLC
- e. Case No. 21CW3090 (Water Division 5): Application of Vail Summit Resorts, Inc
- f. Case No. 21CW3016 (Water Division 6): Application of Yellow Dog Ranch, LLC
- g. Case No. 21CW3029 (Water Division 7): Application of The United States of America (BLM)

2. Water Supply Reserve Fund Application Grants

	Basin	Applicant/ Grantee	Name of Water Activity	Basin(s) Account Request	Statewide Account Requests	Total Request
a	Arkansas	Pikes Peak	Regional Water Reuse Study	\$7,500	\$38,000	\$53,000
	Metro	Regional Water Authority		\$7,500		
b	Colorado	Trout Unlimited	Field Support for the "Evaluating Conserved Consumptive Use in the Upper	\$19,800	\$40,000	\$59,800

			Colorado River			
c	Gunnison	Grand Mesa Water Users Association	Grand Mesa Water Users Efficiency Project	\$20,000	\$45,000	\$65,000

3. Water Supply Reserve Fund Change of Grantee

- a. Rio Grande - Colorado Rio Grande Restoration Foundation - Roundtable Media & Communications Outreach Project - Change of Grantee

4. Flood Plain Designations

Watershed and Flood Protection Section

- a. Flood Plain Designation: “Flood Hazard Area Delineation, Third Creek”, by Matrix Design Group, dated November 2018

5. Water Plan Grants

	Applicant	Name of Water Activity	Staff Recommendation
Agriculture			
a	American Rivers	Engaging West Slope Agriculture in Headwaters Restoration to Improve Water Security - Outreach & Assessment Strategies	\$68,800
b	American Whitewater	Low Head Dam Modification Prioritization Framework	\$61,350
c	Brink, Inc.	Modeling the Effects of Conservation Practices on Carbon Sequestration and Salinity Discharges from Irrigated Fields	No Funding Recommended
d	Carson Pearson	Vouga Reservoir Dam Rehabilitation	No Funding Recommended
e	Colorado Cattlemen's Association	Catalyst Funding for Irrigation Infrastructure Demonstration Projects	\$83,427
f	The Farmers Water Development Company	Gurley Dam Embankment Slip Reconstruction	No Funding Recommended
g	Trout Unlimited	Upper Gunnison Diversion Modernization	\$90,678
Conservation & Land Use			
h	Regents of the University of Colorado	Urban Agriculture and Soil Health Management as a Water Conservation Strategy in Colorado	No Funding Recommended
Engagement & Innovation			
i	Boulder Watershed Collective	Planning & Visual Story Telling	\$86,800

j	H2O Media, Ltd.	H2O Radio Website Upgrade	No Funding Recommended
k	The Ditch & Reservoir Company Alliance	Ditch & Reservoir Outreach, Education & Advocacy Programming	No Funding Recommended