



**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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## November 17 & 18, 2021 Board Meeting Agenda

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A meeting of the CWCB will be held on Wednesday, November 17, 2021 commencing at 8:30 AM and continuing through Thursday, November 18, 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](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](#) 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, November 17, 2021

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 September 15-16, 2021 Board Meeting Minutes
8:37 - 8:40	3. Approve and/or Remove Consent Agenda Items
8:40	<b>Board Meeting Dates in 2022</b> <ul style="list-style-type: none"><li>a. January 24 -25 - Aurora</li><li>b. March 16 - 17 - TBD</li><li>c. May 18 - 19 - TBD</li><li>d. July 20 - 21 - TBD</li><li>e. September 21 - 22 - TBD (Finance Committee Meeting Sept. 20)</li><li>f. November 16 - 17 - TBD</li></ul>
8:40 -9:40	<b>4. Directors' Reports</b> <ul style="list-style-type: none"><li>a. DNR Executive Director</li><li>b. CWCB Director</li><li>c. Agriculture Commissioner</li><li>d. State Engineer</li><li>e. Division of Parks and Wildlife Director</li><li>f. Water Resource and Power Development Authority</li></ul>
9:40-9:50	<b>5. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund</b> <i>Finance Section</i> <ul style="list-style-type: none"><li>a. Annual Financial Statements - Construction Fund &amp; Severance Tax Perpetual Base Fund</li><li>b. Financial Projections and Cash Management Report</li></ul>
9:50-10:00	<b>6. Change to Existing Loan</b> <i>Finance Section</i> <ul style="list-style-type: none"><li>• Left Hand Ditch Company, Allen's Lake Filler Canal Improvements</li></ul>
10:00-10:15	<b>Morning BREAK</b>
10:15-10:35	<b>7. Platte River Recovery Implementation Program</b> <i>Interstate, Federal, and Water Information Section</i>

10:35-11:35	<b>8. 2022 Projects Bill</b> <i>Finance Section</i> a) Non-Reimbursable Project Investments “En-Bloc” approval <ol style="list-style-type: none"> <li>1. Arkansas River Decision Support System Project - Continuation</li> <li>2. Litigation Fund (Budget for AG's) - Refresh</li> <li>3. Technical Assistance for Federal Cost Share Program - Continuation</li> <li>4. UCRC Post-2026 Planning</li> <li>5. Water Forecasting Partnerships Project -</li> <li>6. Weather Modification Permitting Program - Continuation</li> <li>7. Satellite Monitoring/Maintenance Program - Continuation</li> <li>8. Colorado Mesonet Enhancements</li> <li>9. Floodplain Risk Management (formerly Map Modernization Program) - Continuation</li> <li>10. Water Plan Grant Funding</li> </ol> b) Non-Reimbursable Project Investments - Presentations <ol style="list-style-type: none"> <li>1. Reservoir Enlargement Assessment Project</li> <li>2. Platte River Recovery Implementation Program</li> <li>3. Republican River Compact Compliance Programming</li> </ol>
11:35-11:55	<b>9. WSRF Changes</b> <i>Water Supply Planning Section</i>
11:55-12:05	<b>10. Severance Tax Perpetual Base Fund Transfer to Water Supply Reserve Fund</b> <i>Finance Section</i>
12:05-12:50	<b>LUNCH</b>
12:50-1:40	<b>11. Water Project Loan</b> <i>Finance Section</i> <ol style="list-style-type: none"> <li>a. Town of Dove Creek - Reservoir No. 2</li> <li>b. Root and Ratliff Ditch Company - Ditch Piping and Rehabilitation</li> <li>c. Town of Breckenridge, Goose Pasture Tarn Dam Rehabilitation</li> <li>d. Trinchera Groundwater Management Subdistrict - Augmentation Pipeline</li> </ol>
1:40-2:00	<b>12. Bear Creek Lake</b> <i>Interstate, Federal, and Water Information Section</i>
2:00-2:30	<b>13. Colorado Water Plan Update</b> <i>Water Supply Planning Section</i>
2:30-2:45	<b>Afternoon BREAK</b>
2:45-2:50	<b>14. Attorney General’s Report, Legal Briefing, and Executive Session</b>

2:50-3:10	<b>15. Executive Session</b>  a. Water Court Case No. 19CW3098, Application of the Board of County Commissioners of Ouray County, Colorado, et al. (Water Division 4)
3:10-3:15	<b>16. Report from Executive Session</b>
3:15-4:00	<b>17. Colorado River Interstate Issues</b> <i>Interstate, Federal, and Water Information Section</i>
	<b>RECESS</b>

<b><u>Thursday, November 18, 2021</u></b>	
9:00-11:30	<b>18. Rulemaking Hearing to Revise Rules Concerning Colorado's Rules and Regulations for Regulatory Floodplains in Colorado, 2 CCR408-1</b> <i>Hearing Officer Jen Mele</i>
11:30-12:15	<b>LUNCH</b>
12:15-1:45	<b>19. Basin Directors' Reports</b> a. North Platte River Basin Director's Report b. South Platte River Basin Director's Report c. Arkansas River Basin Director's Report d. City and County of Denver Director's Report e. Rio Grande River Basin Director's Report f. Yampa-White River Basin Director's Report g. Colorado River (Mainstem) Basin Director's Report h. San Juan/San Miguel-Dolores River Basin Director's Report i. Gunnison River Basin Director's Report
1:45-2:30	<b>20. Evaluating Conserved Consumptive Use in the Upper Colorado</b> <i>Operations Section</i>
2:30-2:45	<b>Afternoon Break</b>
2:45-3:05	<b>21. Proposed Lease of Ruedi Reservoir Water for Instream Flow Use on the Fryingpan River and the 15-Mile Reach of the Colorado River (Water Division 5)</b> <i>Stream &amp; Lake Protection Section</i>
3:05-3:25	<b>22. Proposed Renewable Temporary Loan of Lake Avery (aka Big Beaver Creek Reservoir) Water for Instream Flow Use on Big Beaver Creek and the White</b>

	<b>River (Water Division 6)</b> <i>Stream &amp; Lake Protection Section</i>
3:25-3:35	<b>23. Request for Authorization to Proceed to Trial for Stipulated Water Court Cases</b> <i>Stream &amp; Lake Protection Section</i> <ul style="list-style-type: none"><li>a. Case No. 18CW3106, Application of Central Colorado Water Conservancy District, and Ground Water Management Subdistrict of the Central Colorado Water Conservancy District (Water Division 1)</li><li>b. Case No. 19CW3019, Application of Fort Collins - Loveland Water District (Water Division 1)</li><li>c. Case No. 14CW3013, Application of Edgemont Ranch Metropolitan District (Water Division 7)</li></ul>
3:35-3:45	<b>24. Notice of Recommended 2022 Instream Flow Appropriations in Water Divisions 4, 5 and 6</b> <i>Stream &amp; Lake Protection Section</i>
3:45-4:30	<b>25. Ouray County BOCC Request to Delay Filing of ISF Water Court Application on Cow Creek (Water Division 4)</b> <i>Stream &amp; Lake Protection Section</i>
4:30	<b>Adjourn</b>

## **CWCB Consent Agenda November 17-18, 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. 21CW3033 (Water Division 2): Application of Upper Arkansas Water Conservancy District, acting through the Upper Arkansas Activity Enterprise
- b. Case No. 21CW3044 (Water Division 2): Application of Triview Metropolitan District
- c. Case No. 21CW3039 (Water Division 4): Application of Tri-State Generation and Transmission Association, Inc.
- d. Case No. 21CW3110 (Water Division 5): Application of Gateway of Snowmass Metropolitan District

### **2. Water Supply Reserve Fund Change of Grantee**

#### *Water Supply Planning Section*

- a. Rio Grande - Colorado Rio Grande Restoration Foundation - Rio Grande Basin Roundtable Community Education Initiative 2021-2025

### **3. CWCB Policy Change**

#### *Finance Section*

- Financial Policy Number 3 - Loan Delinquency, Loan Restructuring and Collections Policy Update

### **4. Change to Existing Loan**

#### *Finance Section*

- Arkansas Groundwater and Reservoir Association - Merger and Name Change