



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

Jared Polis
Governor

Dan Gibbs
DNR Executive Director

Lauren Ris
CWCB Director

November 15 & 16, 2023 Board Meeting Agenda

A meeting of the CWCB will be held on Wednesday, November 15, 2023 commencing at 9:00 AM and continuing through Thursday, November 16, 2023. The meeting will be held at the Denver Marriott Westminster 7000 Church Ranch Blvd, Westminster and 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 item scheduled for the regular agenda may be discussed in executive session if legal questions arise as authorized under § 24-6-402, C.R.S. 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 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 a public comment that does apply to one of the agenda items there is time on the agenda at the end of the second day of the meeting. 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 15, 2023

9:00-9:02	CWCB Call to Order and Pledge of Allegiance
9:02-9:05	1. Review and Approve Agenda
9:05-9:08	2. Review and Approve 2023 Board Meeting Minutes a. August 22 Special Board Meeting b. September 20 & 21 Regular Board Meeting
9:08-9:15	3. Approve and/or Remove Consent Agenda Items
	<u>2024 CWCB Board Meeting Dates & Potential Locations</u> a. January 29 & 30 - Hyatt Regency Conference Center, Aurora b. March 13 & 14 - Denver Metro Area c. May 15 & 16 - Colorado Basin d. July 17 & 18 - North Platte Basin e. September 18 & 19 - Rio Grande Basin f. November 20 & 21 - Denver Metro Area
9:15-10:15	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
10:15-10:30	Morning Break
10:30-11:30	5. Shoshone Power Plant Water Rights Background Information <i>Stream and Lake Protection Section</i>
11:30-11:40	6. WOTUS Updates <i>Interstate, Federal, and Water Information Section</i>
11:40-11:55	7. System Conservation Pilot Program and Conservation Projects Funded Through Bipartisan Infrastructure Law Funds <i>Interstate, Federal, and Water Information Section</i>
11:55-12:55	LUNCH

12:55-1:00	8. Attorney General’s Report, Legal Briefing, and Executive Session
1:00 - 1:45	9. Executive Session a. Colorado River Post 2026 Negotiations b. Case Nos. 21CW3085 and 21CW3086 (Water Division 5): Application of Elk Run Ranch Aspen Holdings, LLC and 4303 Snowmass Creek, LLC.
1:45-1:50	10. Report from Executive Session
1:50-2:20	11. Colorado River Updates <i>Interstate, Federal, and Water Information Section</i>
2:20-2:50	12. Upper Colorado and San Juan Recovery Program Updates <i>Interstate, Federal, and Water Information Section</i>
2:50-3:00	13. Request for Authorization to Proceed to Trial in Opposition Case: <i>Stream and Lake Protection Section</i> a. Case Nos. 21CW3085 and 21CW3086 (Water Division 5): Application of Elk Run Ranch Aspen Holdings, LLC and 4303 Snowmass Creek, LLC.
3:00-3:10	14. Notice of 2024 Instream Flow and Natural Lake Level Recommended Appropriations in Water Divisions 1, 2, 4, and 6 <i>Stream and Lake Protection Section</i>
3:10-3:25	AFTERNOON BREAK
3:25-3:55	15. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund <i>Finance Section</i> a. Financial Projections and Cash Management Report b. Fiscal Year 2023 Financial Statements 1. Construction Fund 2. Severance Tax c. Two Rivers Water & Farming Company, and Two Rivers Farms F-2, Inc. - Loan Delinquency

3:55-4:15	<p>16. Water Project Loans <i>Finance Section</i></p> <ul style="list-style-type: none"> a. Last Chance Ditch Company - Measurement Structure Reconstruction Project b. Montezuma Valley Irrigation Company - Beaver Creek Ditch Repairs c. Orchard City Irrigation District - Fruitgrowers Reservoir Gates Replacement
4:15-5:00	<p>17. 2024 Projects Bill <i>Finance Section</i></p> <ul style="list-style-type: none"> a. Non-Reimbursable Project Investments “En-Bloc” Approval <ul style="list-style-type: none"> 1. Floodplain Risk Management (Continue) 2. Litigation Fund (Refresh) 3. Weather Mod (Continue) 4. Colorado Mesonet (Continue) 5. Satellite Monitoring/Maintenance (Continue) 6. UCRC Modeling & Technical Analyses (Continue) 7. Water Forecasting Partnership (Continue) b. Non-Reimbursable Project Investments - Presentations <ul style="list-style-type: none"> 1. Drought Resilience Investment (New) 2. Statewide Diversion Telemetry Project (New) 3. Southern High Plains Groundwater Study (New) 4. Turf Replacement Funding (New) c. Miscellaneous <ul style="list-style-type: none"> 1. Water Plan Implementation Cash Fund - Appropriation
5:00-5:05	<p>18. Severance Tax Perpetual Base Fund Transfer to Water Supply Reserve Fund <i>Finance Section</i></p>
5:05	RECESS

Thursday, November 16, 2023

8:30 - 10:00	19. Basin Directors' Reports a. City and County of Denver Director's Report b. Rio Grande River Basin Director's Report c. Yampa-White River Basin Director's Report d. Colorado River (Mainstem) Basin Director's Report e. San Juan/San Miguel-Dolores River Basin Director's Report f. Gunnison River Basin Director's Report g. North Platte River Basin Director's Report h. South Platte River Basin Director's Report i. Arkansas River Basin Director's Report
10:00- 10:15	Morning BREAK
10:15- 10:30	20. Project Bill Loans <i>Finance Section</i> a. Northern Colorado Water Conservancy District, Municipal Subdistrict-Windy Gap Firming Project b. Northern Colorado Water Conservancy District - Northern Integrated Supply Project
10:30- 10:45	21. Operational Planning Update <i>Anna Mauss</i>
10:45- 10:50	22. Water Supply Reserve Fund Applications November 2023 <i>Water Supply Planning Section</i> Basin - Gunnison Applicant - Delta County Name of Water Activity - Miners Trail Short Ditch Extension Pipe Project
10:50- 11:10	23. Update on Water Loss Reporting <i>Water Supply Planning Section</i>
11:10- 11:20	Public Comment
11:20	ADJOURN

CWCB Consent Agenda November 15 - 16, 2023

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

Staff recommends the Board ratify CWCB's filing of the following Statements of Opposition:

- a. Case No. 22CW3010 (Water Division 5): Application of Sopris Mountain Ranch Homeowners' Association, Inc.

2. Change to Water Supply Reserve Fund Grants

Water Supply Planning Section

- a. Shaw Reservoir Rehabilitation Project - Change of Grantee
- b. Beaver Park Reservoir Seepage Mitigation Study - Change of Grantee

3. Floodplain Designations

Watershed and Flood Protection Section

- a. "Flood Insurance Study, Archuleta County, Colorado, and Incorporated Areas", by FEMA, dated October 5, 2023
- b. "Flood Hazard Area Delineation City Park Channel Upstream of Main Street and South Tributary to City Park Channel", by Loewen Engineering, Inc., dated April 2023

4. Change to Water Plan Grants

Administration & Operations Section

- a. San Luis Valley Rye Resurgence Project - Change of Grantee
- b. Rio Grande Basin Snow Measurement Enhancement - Change of Grantee

5. Change to Existing Loan

Finance Section

- a. Triview Metropolitan District - Stonewall Springs Reservoir Complex

6. CWCB Policy #4 - Update to the Water Project Loan Programs Financial Ratios

Finance Section