



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203

P (303) 866-3441
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Lauren Ris, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Robert Viehl, Chief
Stream and Lake Protection Section

DATE: September 18, 2024

AGENDA ITEM: Consent Agenda Item # 2: Cache la Poudre River Instream Flow Augmentation Plan - Engineering Funding Request

Staff Recommendation: The recommendation is for the Board to authorize an expenditure of up to \$41,700 for engineering costs associated with the water court application of the Cache la Poudre River Instream Flow Augmentation Plan.

Background: At its January 2021 meeting the CWCB under Rule 6 of the “Rules Concerning the Colorado Instream Flow and Natural Lake Level Program” determined that the flow rates recommended by Colorado Parks and Wildlife are appropriate to preserve and improve the natural environment to a reasonable degree within several reaches of the Cache la Poudre River. The Board also directed staff to work with the Attorney’s General Office and the Co-applicants to file a water court application for “approval of a plan for augmentation to augment stream flows” in accordance with 37-92-102 (4.5). That application was filed in the division 1 water court on April 29, 2021, and assigned case number 21CW3056.

This is the first request by CWCB staff to provide direct funds to this project. There are various costs associated with this acquisition, but no direct expenditures to purchase or lease an interest in the Seed Water Rights was sought because the municipal Poudre Flows Partners donated the interest in water to the CWCB. Financial contributions by the municipal Poudre Flows Partners along with Northern Water Conservancy District, and the fundraising efforts by the Colorado Water Trust have been sufficient to pay the direct project costs up to this point.

Funding Request

Staff is requesting an expenditure of funds authorized by section 37-60-123.7, which requires Board approval. Such expenditures are governed by CWCB’s Financial Policy 19, and the financial aspects of the proposal are set forth below:

The following is the proposed scope of work to be completed by an outside engineering firm. 1. Prepare Applicant Expert Report(s) - Prepare a 26(a)(2) expert report in support of the application in Case No. 21CW3056. The proposed report will build on the preliminary engineering report submitted to the opposers in support of the application



and will include details regarding the operation of the Poudre Flows Plan, proposed accounting, and proposed terms and conditions to prevent injury.

2. Review Opposer Expert Reports - Review expert reports submitted on behalf of opposers to the Poudre Flows Plan. This will include review of the reports, documents relied on, and supporting technical analyses; and meetings with Poudre Flows representatives to discuss the issues raised in the opposer reports.

3. Prepare Expert Rebuttal Report(s) - Prepare 26(a)(2) expert rebuttal report(s) to respond to technical issues raised in the opposer expert reports.

The estimated the total cost to complete the scope of work is \$41,700.