



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street, Room 718
Denver, CO 80203

P (303) 866-3441
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Jared Polis, Governor

Dan Gibbs, DNR Executive
Director

Lauren Ris, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Andrea Harbin Monahan, Watershed and Flood Protection Section

DATE: September 18-19, 2024

AGENDA ITEM: Consent Agenda Item 6a - Change of Fiscal Agent: Lower South Boulder Creek - Watershed Restoration Phase II

Staff Recommendation:

Staff recommends changing the fiscal agent for the Lower South Boulder Creek - Watershed Restoration Phase II project from Trout Unlimited to Colorado Trout Unlimited.

Background:

Colorado Trout Unlimited was approved for \$250,000 for their Watershed Restoration Phase II project, which includes the development of construction-ready designs for two diversion structures and the development of preliminary designs for two additional diversion structures within South Boulder Creek, all informed through the South Boulder Creek Stream Management Plan. The application for this project came in on December 1, 2021 and was approved at the March 2022 Board Meeting (Agenda Item 26z). Unfortunately, during contracting, the fiscal agent was mistakenly written as the National Trout Unlimited, rather than the local Colorado Trout Unlimited, which both entities would like to change.

Attachments:

March 2022 Board Meeting Agenda
Data Sheet
Purchase Order POGG1 2023-2196





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**Colorado Water
Conservation Board**

Department of Natural Resources

Jared Polis
Governor

Dan Gibbs
DNR Executive Director

Rebecca Mitchell
CWCB Director

March 15 - 16, 2022 Board Meeting Agenda

A meeting of the CWCB will be held on Tuesday, March 15, 2022 commencing at 8:30 AM and continuing through Wednesday, March 16, 2022. The meeting will be held at the Denver Marriott West 1717 Denver West Boulevard Golden 80401 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 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 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>Tuesday, March 15, 2022</u>	
8:30-8:32	CWCB Call to Order and Pledge of Allegiance
8:32-8:35	1. Board Appointments and Election of Officers
8:35-8:37	2. Review and Approve Agenda
8:37-8:40	3. Review and Approve January 24 - 25, 2022 Board Meeting Minutes
8:40-8:45	4. Approve and/or Remove Consent Agenda Items
8:45	Board Meeting Dates in 2022 <ul style="list-style-type: none"> a. May 18 & 19 - TBD b. July 20 & 21 - TBD c. September 21 & 22 - TBD d. November 16 & 17 - TBD
8:45-9:45	5. Directors' Reports <ul style="list-style-type: none"> a. DNR Executive Director/IBCC Director b. CWCB Director c. Agriculture Commissioner d. State Engineer e. Division of Parks and Wildlife Director f. Water Resource and Power Development Authority
9:45-9:55	6. Financial Matters - Construction Fund and Severance Tax Perpetual Base Fund <i>Finance Section</i> <ul style="list-style-type: none"> a. Financial Projections and Cash Management Report
9:55-10:10	Morning BREAK
10:10-10:20	7. Change to Existing Loan <i>Finance Section</i> <ul style="list-style-type: none"> a. South Platte Ditch Company - Diversion Structure Rehabilitation
10:20-10:35	8. Severance Tax Trust Fund - Policy 18 Review <i>Finance Section</i>

10:35-10:55	9. Request for Authorization to Proceed to Trials in Stipulated Opposition Cases: <i>Stream and Lake Protection Section</i> <ul style="list-style-type: none"> a. Case No. 18CW3121 (Water Division 1): Application of the City of Aurora, Colorado, acting by and through its Utility Enterprise b. Case No. 18CW3077 (Water Division 2): Application of Colorado Division of Parks and Wildlife (Note: Mueller Park) c. Case No. 19CW3112 (Water Division 5): Application of Highland Investment Co., LLC
10:55-11:10	10. Proposed Renewable Temporary Lease of Stagecoach Reservoir Water for Instream Flow Use on the Upper Yampa River, Water Division 6 (2nd Meeting) <i>Stream and Lake Protection Section</i>
11:10-11:25	11. Cache la Poudre Instream Flow Augmentation Plan, Case No. 21CW3056 (Water Division 1) <i>Stream and Lake Protection Section</i>
11:25-11:35	12. Public Comment on 2022 ISF Appropriations in Water Divisions 4, 5, and 6 <i>Stream and Lake Protection Section</i>
11:35-11:45	13. Public Notice of 2023 ISF Recommendations <i>Stream and Lake Protection Section</i>
11:45-12:45	LUNCH
12:45-1:15	14. Update on Federal Funding <i>Nate Pearson - CO Dept. of Natural Resources</i>
1:15-1:35	15. Legislative Update <i>Lauren Ris - CWCB</i>
1:35-2:00	16. Water Plan Grant, Environment and Recreation Category - Criteria Update <i>Watershed and Flood Protection Section</i>
2:00-2:15	17. South Platte River - DISH Easement Discussion <i>Watershed and Flood Protection Section</i>
2:15-2:30	Afternoon BREAK
2:30-2:50	18. Spring Drought and Flood Climate Report <i>Water Supply Planning Section & Watershed and Flood Protection Section</i>

2:50-3:10	19. Water Plan Update <i>Water Supply Planning Section</i>
	RECESS

Wednesday, March 16, 2022

8:30 - 10:00	20. Basin Directors' Reports <ul style="list-style-type: none">a. San Juan/San Miguel-Dolores River Basin Director's Reportb. Gunnison River Basin Director's Reportc. North Platte River Basin Director's Reportd. South Platte River Basin Director's Reporte. Arkansas River Basin Director's Reportf. City and County of Denver Director's Reportg. Rio Grande River Basin Director's Reporth. Yampa-White River Basin Director's Reporti. Colorado River (Mainstem) Basin Director's Report
10:00 - 10:15	Morning BREAK
10:15- 10:20	21. Attorney General's Report, Legal Briefing, and Executive Session
10:20- 11:35	22. Executive Session <ul style="list-style-type: none">a. Case No. 3:19 - CV - 08285-MTL (District of Arizona): Save the Colorado, et al., v. U.S. Dept. of the Interior, et al.b. Colorado River Interstate Mattersc. Two Rivers Water Company Loan
11:35- 11:40	23. Report from Executive Session
11:40- 12:10	24. Colorado River Updates <i>Interstate, Federal, and Water Information Section</i>
12:10- 1:10	LUNCH

1:10-1:50

25. WSRF Grant Applications*Water Supply Planning Section***Water Supply Reserve Fund Application Grants
at the March 2022 CWCB Board Meeting**

Agenda Item	Basin	Applicant	Name of Water Activity	Total Request
a.	Arkansas	Arkansas Groundwater & Reservoir Association	West Pueblo Reservoir Project (WPRP)	\$841,104
b.	Arkansas	Upper Arkansas Conservation District	Sunnyside Irrigation Ditch Rehabilitation	\$127,300
c.	Arkansas	Center for Snow & Avalanche Studies	Colorado Dust on Snow	\$240,000
	Colorado			
	Gunnison			
	Metro			
	Rio Grande			
	South Platte			
	Southwest			
	Yampa/White/Green			
d.	Gunnison	Orchard City Irrigation District	Fruitgrowers Dam Outlet Gates Improvement Project	\$150,000
e.	Gunnison	Town of Olathe	Water Meters & Water Conservation	\$182,399
f.	Gunnison	Trout Unlimited	Stewart Ditch Diversion Improvement Project	\$140,000
g.	Metro	Arapahoe County	Arapahoe County Water Supply Study	\$125,000
	South Platte			
h.	Metro	Trout Unlimited	Lower South Boulder Creek – WSR Ditch Structure Automation Demonstration Project	\$167,000
	South Platte			
i.	Rio Grande	Colorado Rio Grande Restoration Foundation	Conejos River Partnership Project 1B	\$330,000

	j.	Rio Grande	San Luis Valley Water Conservancy District	Shaw Reservoir Rehabilitation Project	\$342,600
	k.	Southwest	Pagosa Area Water & Sanitation District	Treatment Plant Project	\$186,800
	l.	Southwest	Town of Pagosa Springs	Recreational & Ecological Enhancement Project – Yamaguchi South	\$166,180

1:50-2:50

26. Water Plan Grants

Agenda Item	Applicant	Project Title	Funding Recommendation
26 a - d. Agricultural Projects			
a	Trout Unlimited	Gunnison River Drought Resiliency and Restoration Project	\$275,194.00
b	Rio Grande Headwaters Land Trust	San Luis Creek Conservation Partnership	\$450,000.00
c	The Nature Conservancy	Maybell Diversion Construction on the Yampa River	\$750,000.00
d	Boulder County Parks and Open Space	Howell Ditch Diversion Reconstruction and Boulder Creek Restoration Project	\$250,000.00
26 e - k. Conservation and Land Use Planning			
e	Mile High Flood District	Denver One Water Plan Implementation	\$100,000.00
f	Arapahoe County	Admin I Turf Conversion & Conservation Planning for Additional Existing Sites	\$138,203.00
g	Multiplier	Advancing High Impact Water Efficiency Solutions in Colorado Communities	\$139,235.00
h	Year One, Inc. DBA Mile High Youth Corps	Single Family Energy & Water Audits and Installs	\$146,809.00
i	Colorado Water Wise	Guidebook Update	\$150,192.00
j	Denver Dept. of Public Health and Environment	Graywater Education and Outreach Program	\$290,713.00
k	Sonoran Institute	Colorado Growing Water Smart	\$360,466.00
26 l - m. Engagement and Innovation Activities			
l	The Park People	WATERED: Water Advocacy via Trees and Engagement to Relieve Efforts of Drought	\$104,000.00
m	Colorado School of Mines	Direct Potable Reuse (DPR) Demonstration - Phase II	\$150,000.00
26 n - q. Water Storage and Supply			
n	West End Economic Development Corporation	Wright's Mesa Water Supply Planning	\$110,590.00
o	Palmer Land Conservancy	Climate Resilient Agricultural Futures and Transformations (CRAFT)	\$664,987.00
p	Town of Buena Vista	Infiltration Gallery Expansion	\$1,107,750.00

	q	Northern Water	Phase I: CO Aerial Snowpack Measurement	\$1,877,400.00	
	26 r - bb. Environment and Recreation				
	r	National Forest Foundation	Trail Creek Wetland Restoration Project - Phase 2	\$133,400.00	
	s	Trout Unlimited Denver	Upper Gunnison Stream Restoration Package	\$137,170.00	
	t	Colorado Rio Grande Restoration Foundation	Rio Grande Canal Boater Safety and Accessibility Project	\$148,000.00	
	u	Town of Meeker	Meeker River Park	\$150,000.00	
	v	Blue River Watershed Group	Blue River Integrated Water Management Plan	\$150,000.00	
	w	Trout Unlimited Denver	Stewart Ditch Diversion Improvement Project	\$169,736.00	
	x	Southwest Conservation Corps	Animas River Phreatophytes Phase II	\$177,602.50	
	y	Town of Pagosa Springs	Recreational and Ecological Enhancement of the San Juan River - Yamaguchi South	\$195,000.00	
	z	Trout Unlimited	Lower S. Boulder Watershed Res Phase II	\$250,000.00	
	aa	Eagle Vail Metro District	Stone Creek Restoration Phase II	\$413,915.00	
	bb	Roaring Fork Conservancy	Crystal River at Riverfront Park Restoration and Efficiency Project	\$798,574.00	
2:50- 3:10	27. Loan Delinquency Action <i>Finance Section</i>				
	a. Two Rivers Water & Farming Company, and Two Rivers Farms F-2, Inc.				
3 : 1 0	ADJOURN				

CWCB Consent Agenda March 15 -16, 2022

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. 21CW3236 (Water Division 1): Application of City of Boulder, Colorado
- b. Case No. 21CW3081 (Water Division 2): Application of Heath Mills
- c. Case No. 21CW3086 (Water Division 2): Application of Town of Poncha Springs
- d. Case No. 21CW3026 (Water Division 3): Application of Sustainable Water Augmentation Group, Inc.
- e. Case No. 21CW3075 (Water Division 4): Application of Aegis Ranch Ventures, LLC, a Delaware limited liability company
- f. Case No. 21CW3076 (Water Division 4): Application of Elk Ridge Mining and Reclamation, LLC
- g. Case No. 21CW3166 (Water Division 5): Application of Peter M. McGrath and Janet E. Fox
- h. Case No. 21CW3171 (Water Division 5): Application of Eric A. Rudd
- i. Case No. 21CW3175 (Water Division 5): Application of Snowmass Club LLC, Snowmass Club Investors LLC, ABA Investors, LLC, and Woodmont Properties at Bridgewater, LLC
- j. Case No. 21CW3176 (Water Division 5): Application of Bar A Ranch
- k. Case No. 21CW3180 (Water Division 5): Application of Town of Minturn
- l. Case No. 21CW3182 (Water Division 5): Application of The Crystal River Ranch Co., LLC
- m. Case No. 21CW3052 (Water Division 6): Application of Remnant Investors, LLLP, a limited liability limited partnership
- n. Case No. 21CW3058 (Water Division 6): Application of David Y. Cogswell

2. ~~HB1051 Reporting Guidelines~~—This item has been removed from the agenda by staff

Water Supply Planning Section

3. PEPO Grants Program

Water Supply Planning Section

4. Water Plan Grants

Agenda Item	Water Plan Grant Category	Applicant	Project Title	Funding Recommendation
a.	Agricultural Projects	Dave Miller Mutual Ditch Company	Dave Miller Ditch Piping Project	\$84,325
b.	Agricultural Projects	Drylands Agroecology Research	Dryland Research Expansion Phase II	Not Recommended
c.	Agricultural Projects	Brighton Ditch Company	South Platte River Bank Stabilization Project	Not Recommended
d.	Agricultural Projects	Brink, Inc.	Modeling the Effects of Conservation Practices on Salinity Discharges from Irrigated Fields*	\$66,850.00
e.	Agricultural Projects	Fort Collins Conservation District	Cache La Poudre Basin Nutrient Trading Pilot Project	\$38,645.00
f.	Conservation & Land Use Planning	Town of Olathe	Water Meter Upgrade and Water Conservation Outreach	Not Recommended
g.	Conservation & Land Use Planning	Western Resource Advocates	Pursuing a Statewide Model Water Efficient Landscape Ordinance	Not Recommended
h.	Conservation & Land Use Planning	Dominion Water & Sanitation District	Sterling Ranch Rainwater Harvesting Project Feasibility Study and Operational Plan	\$57,500.00
i.	Conservation & Land Use Planning	High Country Conservation Center	Advancing Irrigation Efficiency Across Summit County	\$99,413.00

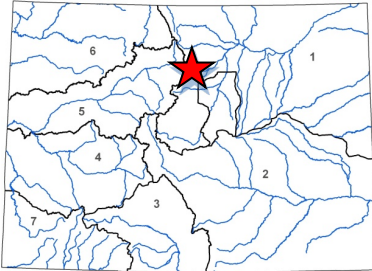
j.	Engagement & Innovation Activities	Coalition for the Poudre River Watershed	Phase 2- Engaging Stakeholders & Communities in the Poudre Through Citizen Science, Collaboration, & Outreach	Not Recommended
k.	Engagement & Innovation Activities	Boulder Watershed Collective	Forested Watershed Community Education	Not Recommended
l.	Engagement & Innovation Activities	Water Education Colorado	Advancing a Coordinated and Collaborative Approach to Water Education and Outreach via the Water Educator Network through 2025	\$55,000.00
m.	Engagement & Innovation Activities	Lincoln Hills Cares	Replicable Youth-Driven Innovation Engine to Help Make the South Platte River Swimmable and Fishable	\$84,480.00
n.	Engagement & Innovation Activities	One World One Water Center/ MSU Denver	Your Water, Your Life Contest	\$87,000.00
o.	Engagement & Innovation Activities	Colorado State University	Expanding Residential Rain Garden Installations in Front Range Communities	\$90,300.00
p.	Engagement & Innovation Activities	Ditch and Reservoir Company Alliance	Ditch and Reservoir Outreach, Education, and Advocacy Programming	\$98,375.00

q.	Water Storage & Supply	Cross Creek Metropolitan District	Hale Reservoir Restoration, Cross Creek Park	Not Recommended
r.	Water Storage & Supply	Grand Mesa Water Users Association	Grand Mesa Water Users' Efficiency Project	Not Recommended
s.	Watershed Restoration & Recreation	Headwaters Alliance	Lower Willow Creek Stream and Floodplain Restoration	Not Recommended
t.	Watershed Restoration & Recreation	Trout Unlimited Denver	Portland Uncompahgre Restoration Project	Not Recommended



Lower South Boulder Creek Watershed Restoration Phase II Colorado Trout Unlimited March 2022 Board Meeting

Water Plan Grant Program Application



L O C A T I O N	
County/Countries:	Boulder
Drainage Basin:	South Platte

D E T A I L S	
Total Project Cost:	\$502,000
WPG Request:	\$250,000
Recommended amount:	\$250,000
Other CWCB Funding:	\$0
Other Funding Amount:	\$0
Applicant Match:	\$174,000
Project Type(s):	Design
Project Category(Categories):	Environment & Recreation
Measurable Result:	100% designs on 2 ditches and preliminary designs on 2 ditches

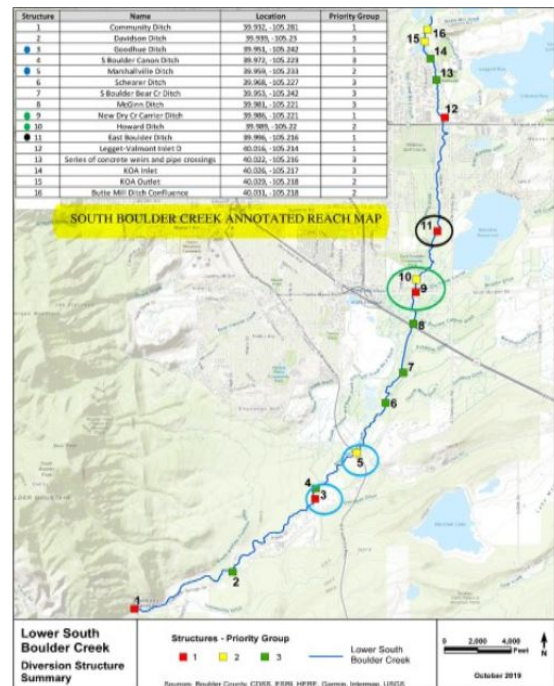
The current Phase I of this project has focused on preliminary designs for high priority structures with modifications that are primarily to allow low flow passage and administration, but also incorporate modifications to improve channel connectivity and habitat. In preparing the conceptual designs in Phase I, the project team prioritized modifications needed to address:

- Low flow management/passage
- Restoring channel connectivity for fish/aquatic organism passage
- Improving operational efficiency, where possible
- Improving stream resilience and proximate habitat

Phase II will focus on progressing engineering designs and associated permitting for four priority structures. Designs will also include automated gate actuators and upstream/downstream/down-ditch networked flow measurement design elements. All efforts have been and continue to be in partnership with local stakeholders, including the City of Boulder, City of Lafayette, Denver Water, City of Louisville, Boulder County, and the four targeted ditch owners

This project will accomplish the following:

- Develop 100% design of modifications for two diversion structures: New Dry Creek Carrier and Howard
- Permitting required for a future construction phase of work
- Develop preliminary engineering design for modifications of two additional structures to the level required to commence RFP process(es) required for a final design and permitting future phase of work: Goodhue and Marshallville
- All work will be accomplished using sound design incorporating the latest knowledge of the local species and passage techniques. Appropriate aquatic management practices will be followed to maximize fish passage goals, with realistic expectations of barrier operators, and in accordance with practices supported by Colorado Parks and Wildlife and US Fish and Wildlife Service.





STATE OF COLORADO
Department of Natural Resources

Page 1 of 2

ORDER		*****IMPORTANT*****				
Number:	POGG1,PDAA,202300002196	The order number and line number must appear on all invoices, packing slips, cartons, and correspondence.				
Date:	8/12/22	BILL TO				
Description:	WPG rec; Lower South Boulder Creek Phase 2 CMS#178208	COLORADO WATER BOARD CONSERVATION 1313 SHERMAN STREET, ROOM 718 DENVER, CO 80203				
Effective Date:	08/20/22	SHIP TO				
Expiration Date:	12/31/24	COLORADO WATER BOARD CONSERVATION 1313 SHERMAN STREET, ROOM 718 DENVER, CO 80203				
BUYER		SHIPPING INSTRUCTIONS				
Buyer:		Delivery/Install Date: -				
Email:		FOB: FOB Dest, Freight Allowed				
VENDOR						
TROUT UNLIMITED INC 1777 N KENT ST # 100 ARLINGTON, VA 22209-2133						
Contact:	Joe Smith					
Phone:	3037952563					
VENDOR INSTRUCTIONS						
EXTENDED DESCRIPTION						
"Grant for Lower South Boulder Creek Watershed Restoration Phase 2 Project" per attached Exhibit A Scope of Work and Exhibit B Budget".						
Line Item	Commodity/Item Code	UOM	QTY	Unit Cost	Total Cost	MSDS Req.
1	G1000		0	0.00	\$250,000.00	<input type="checkbox"/>
Description: WPG rec; Lower South Boulder Creek Phase 2 CMS#178208						
The current WSR PH I project task for infrastructure assessment determined that modification to 4 of 6 priority ditch structures would reconnect five of nine miles of lower SBC. In preparing the conceptual designs in WSR PH I, the project team prioritized modifications needed to address: .Low flow management / passage .Restoring channel connectivity for fish / aquatic organism passage .Improving operational efficiency where possible .Improving stream resilience and proximate habitat Referenced in Exhibit A Scope of Work, and Exhibit B Budget.						
Service From: 08/20/22		Service To: 12/31/24				



STATE OF COLORADO
Department of Natural Resources

Page 2 of 2

TERMS AND CONDITIONS

<https://www.colorado.gov/osc/purchase-order-terms-conditions>

DOCUMENT TOTAL = \$250,000.00