

## **DRAFT**

### **Summary Minutes and Record of Decisions**

#### **July 17 & 18, 2024 Board Meeting**

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the Wattenberg Center in Walden and virtually on zoom. The meeting was called to order by Chair Nathan Coombs. 9 voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were: Greg Felt, Brad Wind, Paul Bruchez (present after lunch), Barbara Vasquez, Jaclyn Brown, Lorelei Cloud, John McClow, Jessica Brody, and Nathan Coombs, and Nate Pearson, for the Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were: Scott Steinbecher, Deputy Attorney General Natural Resources & Environment, Robert Harris, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture; Jason Ullman, State Engineer, and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele, was also in attendance.

On the second day, the meeting was called to order by Chair Nathan Coombs. 9 voting members were present at the call to order, so a quorum was present (at least 6 required). The voting members present were: Paul Bruchez, Jackie Brown, Jessica Brody, John McClow, Barbara Vasquez, Brad Wind, Greg Felt, Lorelei Cloud, and Nathan Coombs. Non-voting ex officio members present or represented were: Robert Harris, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture; Jason Ullman, State Engineer, and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele was also in attendance.

**Wednesday, July 17, 2024**

**1 Review and Approve Agenda**

A motion to approve the agenda was made by Jackie Brown, which was seconded by Greg Felt. The motion was approved unanimously (8-0).

**2 Review and Approve May 15 & 16, 2024 Board Meeting Minutes**

A motion to approve the May 2024 Board minutes was made by Lorelei Cloud, which was seconded by Barbara Vasquez. The motion was approved unanimously (8-0).

**3 Approve and/or Remove Consent Agenda Items**

A motion to approve the Consent Agenda Items was made by Greg Felt, which was seconded by Jackie Brown. The motion was approved unanimously (8-0).

**1. Water Supply Reserve Fund  
Grants**

*Water Supply Planning Section*

**a. Basin - Colorado**

**Applicant** - Thompson Glen Ditch

**Name of Water Activity** - Thompson Glen Ditch Improvement Project

**b. Basin - Rio Grande**

**Applicant** - Conejos Water Conservancy District

**Name of Water Activity** - Las Mesitas Ditch Pipeline Project

**2. Change of Water Plan Grant Awards**

*Administration and Operations Section*

- a. Colorado Open Lands, Chaffee County Wetland Restoration Project Development**

**3. Floodplain Designation**

*Watershed and Flood Protection Section*

- a. "Flood Insurance Study, City and County of Denver, Colorado", by FEMA, dated July 3, 2024**

|            |                                                                                           |
|------------|-------------------------------------------------------------------------------------------|
| <b>4</b>   | <b>Directors' Reports</b>                                                                 |
| <b>4a.</b> | DNR Executive Director – Nate Pearson                                                     |
| <b>4b.</b> | CWCB Director – Lauren Ris                                                                |
| <b>4c.</b> | IBCC Director – Lauren Ris                                                                |
| <b>4d.</b> | Agriculture Commissioner – Robert Sakata (presenting on behalf of Commissioner Greenberg) |
| <b>4e.</b> | State Engineer – Jason Ullman                                                             |
| <b>4f.</b> | Colorado Parks and Wildlife Director – Robert Harris                                      |
| <b>4g.</b> | Water Resource and Power Development Authority – Keith McLaughlin                         |

**5 Request for Authorization to Proceed to Trial in Stipulated Opposition Case**  
*Stream and Lake Protection Section*

**5a Case No. 20CW3216 (Water Division 1): City and County of Broomfield**

**Action:** Report by CWCB staff member Colin Watson. A motion to approve the staff recommendation was made by Lorelei Cloud, which was seconded by Jackie Brown. The motion was approved unanimously (8-0).

**Staff Recommendation:** Pursuant to ISF Rule 8.j. Staff recommends that the Board authorize Staff to participate at trial, as necessary, to defend CWCB's stipulation in Case No. 20CW3216, as identified in Table 1.

**Table 1:**

| Item | Case No.                 | Applicant                           | Trial Date<br>(No. of Days)     | CWCB<br>Stipulation<br>Date | CWCB<br>Statement of<br>Opposition<br>Date |
|------|--------------------------|-------------------------------------|---------------------------------|-----------------------------|--------------------------------------------|
| 5a.  | 20CW3216<br>(Division 1) | City and<br>County of<br>Broomfield | August 12,<br>2024 (10<br>days) | January 9,<br>2024          | February 25,<br>2021                       |

**6 Proposed Acquisition for Instream Flow Use**  
*Stream and Lake Protection Section*

**One-Year Implementation of Previously Approved Lease Agreement to use Ruedi Reservoir Water for Instream Flow Use on the 15-Mile Reach (Water Division 5)**

**6a Garfield County**

**Action:** Report by CWCB staff member Rob Viehl. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Jackie Brown. The motion was approved unanimously (8-0).

**Staff Recommendation:** Authorize an expenditure up to \$25,637.50 from the Species Conservation Trust Fund to implement a short-term lease of up to 350 acre-feet of water from Garfield County.

**6b Ute Water Conservancy District**

**Action:** Report by CWCB staff member Rob Viehl. A motion to approve the staff recommendation was made by Jackie Brown, which was seconded by Barbara Vasquez. The motion was approved unanimously (8-0).

**Staff Recommendation:** Authorize an expenditure up to \$120,000 from the Species Conservation Trust Fund to implement a short-term lease of up to 6,000 acre-feet of water from the Ute Water Conservancy District.

**7 New CWCB Policy – Allowable Indirect Rates on Grants**

*Administration and Operations Section*

**Action:** Report by CWCB staff member Cole Bedford. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by Brad Wind. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends the Board approve *Policy 26 – Allowable Indirect Rates On Grants* which sets the maximum indirect rate allowable to be reimbursed by CWCB grants at 15% of direct costs. This policy will take immediate effect and will be applicable to all CWCB grant programs.

**8 Turf Replacement Program Criteria & Guidelines Approval**

*Water Supply Planning Section*

**Action:** Report by CWCB staff member Jenna Battson. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Jackie Brown. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends that the Board approve the criteria and guidelines for the Turf Replacement Program.

**9 Water Supply Reserve Fund Applications**

*Water Supply Planning Section*

**a. Basin – Arkansas**

**Applicant – City of Victor**

**Name of Water Activity – Pipeline Repair/Replacement Engineering Evaluation &**

## Design Project

**Action:** Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by Lorelei Cloud. The motion was approved unanimously (9-0).

**Staff Recommendation:** Approval of up to \$40,000 from the Arkansas Basin Account and up to \$176,000 from the Statewide Account. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

### **b. Basin – Arkansas**

**Applicant** – Deweese-Dye Ditch & Reservoir Company

**Name of Water Activity** – Irrigation Safety & Efficiency Project

**Action:** Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by John McClow. The motion was approved unanimously (9-0).

**Staff Recommendation:** Approval of \$42,000 from the Arkansas Basin Account and up to \$272,224 from the Statewide Account. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

### **c. Basin – North Platte**

**Applicant** – Jackson County Water Conservancy District

**Name of Water Activity** – Radiometer for Improved Cloud Seeding

**Action:** Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by John McClow. The motion was approved unanimously (9-0).

**Staff Recommendation:** Approval of up to \$20,000 from the North Platte Basin Account and \$150,000 from the Statewide Account. Project approval is contingent upon the applicant's abilities to resolve issues and additional needs identified by staff.

## **10 Attorney General's Report, Legal Briefing, and Executive Session**

**Action:** Report by Deputy Attorney General Scott Steinbecher. A motion to go into Executive Session was made by John McClow, which was seconded by Barbara Vasquez. The motion was approved unanimously (9-0).

## **11 Executive Session**

**11a** Colorado River Post-2026 Negotiations Update

**11b** Rio Grande Litigation Update

**12 Report from Executive Session**

**Action:** Report by Counsel to the Board, Jen Mele. A motion to come out of Executive Session was made by Greg Felt, which was seconded by Brad Wind. The motion was approved unanimously (9-0).

**13 Colorado River Updates**  
*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Amy Ostdiek and Michelle Garrison.

*This is an informational item with no Board action required.*

**14 System Conservation Pilot Program**  
*Interstate, Federal, and Water Information Section*

**Action:** Report by CWCB staff member Amy Ostdiek and Michelle Garrison.

*This is an informational item with no Board action required.*

**19 Best Practices for Boards & Commissions (HB18-1198)**

**Action:** Report by Attorney General staff member Jen Mele.

*This is an informational item with no Board action required.*

**Thursday, July 18, 2024**

**15 Basin Directors' Reports**

- 15a Gunnison River Basin Director's Report – *John McClow*
- 15b North Platte River Basin Director's Report – *Barbara Vasquez*
- 15c South Platte River Basin Director's Report – *Brad Wind*
- 15d Arkansas River Basin Director's Report – *Greg Felt*
- 15e City and County of Denver Director's Report – *Jessica Brody*
- 15f Rio Grande River Basin Director's Report – *Nathan Coombs*
- 15g Yampa-White River Basin Director's Report – *Jackie Brown*
- 15h Colorado River (Mainstem) Basin Director's Report – *Paul Bruchez*
- 15i San Juan/San Miguel-Dolores River Basin Director's Report – *Lorelei Cloud*

16 **Financial Matters – Construction Fund and Severance Tax Perpetual Base Fund**  
*Finance Section*

**Action:** Report by CWCB staff member Kirk Russell.

**a. Financial Projections and Cash Management Report**

*This is an informational item with no Board action required.*

17 **Change to Existing Loans**  
*Finance Section*

**a. North Poudre Irrigation Company – Park Creek Expansion Project – Loan Increase**

**Action:** Report by CWCB staff member Zachary Salin. A motion to approve the staff recommendation was made by Brad Wind, which was seconded by . The motion was approved unanimously (9-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$9,999,000 (\$9,900,000 for project costs and \$99,000 for the 1% service fee) to the North Poudre Irrigation Company for costs related to the Park Creek Expansion Project, from the Severance Tax Perpetual Base Fund. The loan term will remain 30 years at an interest rate of 2.55% per annum. This is an increase of \$3,454,000 (\$3,420,000 for Project costs and \$34,200 for the 1% service fee). Security for the loan shall be in compliance with CWCB Financial Policy #5.

**a. Montezuma Valley Irrigation Company - Lower Arikaree and Garrett Ridge Canal Piping**

**Action:** Report by CWCB staff member Zachary Salin. A motion to approve the staff recommendation was made by , which was seconded by . The motion was approved unanimously (9-0).

**Staff Recommendation:** The Board approve a loan not to exceed \$3,034,040 (\$3,004,000 for project costs and \$30,040 for 1% service fee) to the Montezuma Valley Irrigation Company for costs related to the piping of Lower Arikaree and Garrett Ridge Canals, from the Construction Fund. The loan term will be 30 years at an interest rate of 2.10% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

**b. High Line Canal Company – Rocky Ford High Line Canal Diversion Rehabilitation**

**Action:** Report by CWCB staff member Zachary Salin. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by John McClow, Jackie Brown recused herself from the vote. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends the Board approve a loan not to exceed \$4,160,190 (\$4,119,000 for Project costs and \$41,190 for the 1% service fee) to the High Line Canal Company, for costs associated with the Rocky Ford High Line Canal Diversion Rehabilitation, from the Severance Tax Perpetual Base Fund. The loan term shall be 30 years at an interest rate of 2.05% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

**c. WSRF Grant**

**Basin** – Arkansas

**Applicant** – High Line Canal Company

**Name of Water Activity** – Rocky Ford High Line Canal Diversion Final Design

**Action:** Report by CWCB staff member Ben Wade and Zachary Salin. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by John McClow, Jackie Brown recused herself from the vote. The motion was approved unanimously (8-0).

**Staff Recommendation:** Staff recommends approval of a total WSRF Grant amount of up to \$112,000 (up to \$97,000 from the Statewide Fund and \$15,000 from the Arkansas Basin Fund) to the High Line Canal Company for costs related to the Rocky Ford High Line Canal Diversion Final Design.

**ADJOURN**

A motion to adjourn the July 2024 Board Meeting was made by , which was seconded by . The motion was approved unanimously (9-0).