

IBCC Colorado River Basin

November 18, 2024 CBRT Roundtable Minutes. Clean Water Act, Colorado legislature passes Dredge and Fill regulations after *Sackett v. EPA*, letters of support issued for Roseland Ditch engineering study & production of *Thirsting for the Future, Water and Youth in a Changing Climate*; 2025 CBRT officers elected

1. Upcoming Meetings & Deadlines.

- a. CWCB meeting November 20-21 in Denver.
- b. PEPO meeting, Thursday Nov 21 at 4:30 PM
- c. WSRF deadline is December 1.
- d. CAWA grant drought resilience deadline is December 13.
- e. January 27, 2025, CBRT Roundtable Meeting, Glenwood Springs, CO
- f. CWCB January 27-28, 2025
- g. Water Congress winter meeting, Jan 29-31, 2025, Denver.

2. Recorder: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, ken@kenransford.com.

3. Today's November 18, 2024, meeting was **conducted by Zoom and held in person at the Colorado River District Office.**

4. **Meeting Attendees:** April Long; Brent Gardner-Smith; Tom Wood; Greg Williams; PJ Murray; Carlyl Courier, Kate Collins; Vicki Flynn; Abby Burk; JJ Fletcher; Paula Stepp; James Dilzell; Torie Jarvis; Kathy Kitzmann; Maria Pastore; Ty Jones; Diane Johnson; Ken Ransford; Heather Lewin; Chris Treese; Brendon Langenhuizen. **Virtual Attendees:** Angie Fowler; Robert Sakata; Ashley Garrison; Liberty Costello; Andrew Teegarden; Clint Carney; Paul Bruchez; Nina Waters; Charles Spickert; Tom Cech; Stanley Cazier; Jeff Rodriguez; Patrick Bachmann; Heather Sackett; Peggy Bailey; Kathryn Weismiller; Nate Bell; Richard Van Gytenbeek; Ed Millard; Garin Vorthmann; Beth Albrecht; Scot Simmons; Randi Kim; Christina Pearson; Caroline Bradford; Jackie Fisher; Kelly McNicholas Kury; Kate Collins; Kelly Morgan; Annette Quill; Joshua Mattson; Troy; Greg Poschman; Kirsten Kurath; Ed Moyer; Katie Randall; Greg Peterson; Ed Millard; Merrit Linke; Amy Ostadiak; Ken Curtis; Troy Wineland; Dave Payne; Christi Bode.

5. **Summary of decisions made at the meeting; more detail below on the discussion.**

- a. The CBRT unanimously approved the officer slate.
- b. Letter of support passed unanimously for a Colorado Trout Unlimited grant request to fund a \$400,000 engineering plan to rehabilitate the Roseland Ditch near New Castle.
- c. Letter of support passed unanimously to fund Christi Body's film. *Thirsting for a Future: Water and Youth in a Changing Climate*.
- d. **To add new projects to the CBRT BIP database, send them to Bailey Leppak at SGM.**

6. **2025 meeting schedule.** Bylaws say we are required to meet the 4th Monday in September; this is the only required meeting. The 4th Monday often falls on holidays, so April proposes the following dates. All meetings are from 12-4 PM, and also available on Zoom.
 - a. January 27 right before CWCB and Water Congress meet.
 - i. Grand committee meets in February
 - b. March 24, Spring Break Week in the Aspen School District.
 - c. May 19, the week before Memorial Day
 - d. July 28
 - i. Grant committee meets in August
 - e. September 22
 - f. November 17.
7. **River Forecast.** The Colorado River flows at the **Dotsero gage on November 18, 2024, is 950 cfs**, compared to its median flow of 1,000 cfs on this date.¹ The Colorado River is flowing **1,700 cfs at Cameo** compared to its median flow of 1,820 cfs on this date.²
8. **The September 23, 2024, minutes were approved with the following recommended change:**
 - a. Update the heading at top, and the attendance list at the meeting.
9. Richard Vangytenbeek, **requested a Letter of Support, which passed unanimously**, for a Colorado Water Plan **grant application for the Roseman Ditch Company on Elk Creek** to replace their diversion structure and to rehabilitate the first 5 miles of ditch downstream from the headgate, which **winds around the Hogback and into Peach Valley near Newcastle**. It's the portion of the ditch on the hogback. The grant would **pay \$400,000 for an engineering study and construction drawings**.
 - a. CTU discovered **ditch transmission losses of 40-50% in the 5-mile ditch**, which amounts to **3,000 acre feet** over the course of a 6-month irrigation season. The ditch has pipes on **rickety wooden trellises**, goes through tunnels, and it may involve constructing a siphon. The project will aid hay growers and **could enable the ditch company to bypass water into the Elk River to benefit river flows**. Once drawings are complete they will go out for more funding to do the construction.
 - b. Chris Treece asked how they developed the \$400,000 price. The **cost to rehabilitate the 5-mile ditch will likely be \$7m**.
 - c. Would this project expand the agricultural diversion rights? No. The ditch has a very senior right for 10 cfs, and as second right for 10 cfs with a 1944 priority which is called out. During Free River periods, they **hope the rehabilitation will get water down to the end of the ditch during dry years**. They are working on the side of the Hogback, so this **will not affect anyone's return flow**.
 - d. The **Ware & Hinds Ditch improvement** enhanced miles of Elk Creek water flows, and the **Canyon Creek improvement** opened a mile above the ditch, and **fish populations**

¹ Dotsero forecast: https://waterdata.usgs.gov/usa/nwis/uv?site_no=09070500.

² Cameo forecast: https://waterdata.usgs.gov/co/nwis/uv/?site_no=09095500&PARAMeter_cd=00065.00060

thrived in each location. They are ready to get into the field on the Roseman Ditch. The Roseland Ditch improvement will eliminate ditch maintenance expense, improve ditch efficiency, and set it up to sprinkler hay fields.

- e. Tom Wood said that **\$400,000 sounded very high**. April said this is a common concern, but it is a **cost of doing business**.
- f. The **letter of support passed unanimously**.

10. **Unanimous approval of a requested Letter of Support to produce a PBS Documentary** by Christi Body, who runs MoxieCran Media, which specializes in natural resource education and documentary films. Christi has worked in every basin over the past 10 years, and is requesting a letter of support for a 30-minute PBS documentary to aid Colorado teachers in addressing Colorado's water future. Her previous work has addressed the 15-Mile Reach, the Colorado Ag Water Alliance, and a series of water outreach videos regarding stream management plans and the Colorado Water Plan.

- a. **Thirsting for the Future, Water and Youth in a Changing Climate**. The funding request is \$60,000 with a cash match of \$10,000 from the Colorado Office of Film, Television & Media, which promotes the film and television industry, and a \$5,000 cash match from MoxieCran Media. The film will address youth and how to think 6-7 generations ahead. Challenges and solutions around river access, curriculums, workforce, tribal leadership, and the Colorado Department of Education.
- b. This documentary will explore **how Colorado's educators are relaying today's climatic challenges and the youth who are absorbing this information**. Reactions and interpretations of these issues may vary among youth across the state, which are shaped by various geographies, cultures, family systems, access to environmental programming and quality of science curriculums. The film will offer solutions, featuring unique approaches to water education and workforce development programs reflective of urban, rural and tribal communities.
- c. **The target audience is educators** working with kids. The **South Platte Roundtable issued a letter of support**, Ute Mountain Ute tribe is also interested in supporting this project. It is not a documentary about state funded water education projects, but addresses how Colorado is looking at climate change, water education, and water equity. This documentary has potential to be a feature length film. It will be broadcasted on Rocky Mountain PBS and be accessible to 98% of Colorado residents. Christi expects to work on this over the next year.
- d. Abby Burk supported this grant request. Diane Johnson said that ERWSD also worked with Christi, and said the project is worthwhile. Christy's prior work is available online.
- e. **Richard Vangytenbeek** said that he has noticed that **Western slope residents know a lot about Colorado water issues**, but **not so much on the Front Range**.
- f. The letter of support passed unanimously.

11. **CBRT Officers:**

- a. **Chair: April Long** is willing to serve again, but noted she would like a replacement starting October 1, 2025. Merritt Linke seconded this nomination.
 - b. **Vice Chair: Kirsten Kurath** is willing to serve again, but noted she would not like to serve as vice chair again. Carlyle Currier seconded this nomination.
 - c. **Vice Chair: Abby Burk**, who has worked with Audubon for 10 years as the senior manager of Western Rivers Program, has lived in Glade Park near Grand Junction for 6 years. Abby works in water policy, stream management in Debeque, and works on legislative issues. She is a Member of Colorado Water Congress and on the State Affairs Committee, which the CWC describes as “a powerhouse of the Colorado Water Congress and steers the organization's legislative efforts.” April Long seconded this nomination.
 - d. **Recorder: Ken Ransford** is willing to serve as recorder for the year ending September 30, 2025. April Long seconded this nomination.
 - e. The **officer slate was approved unanimously.**
12. **CWCB Report Amy Ost diek on the 2026 Colorado River Operating Plan revision.**
- a. **BuRec** is developing alternatives pursuant to its NEPA analysis.
13. **Rebecca Briesmore, Colorado River District, Hydrology Update. Anticipated 2024 inflow is 84% of normal; next year the anticipated inflow is 93% of the 30-year average.** The Lower Basin is in the Tier 1 shortage.
14. April Long introduced **Torie Jarvis**, attorney with the **NW Colorado Council of Governments (NWCCOG)** to discuss **how water quality is administered in the state.**
- a. The Colorado Dep’t of Natural Resources DNR includes the CWCB, the State Engineer’s office, and Colorado Parks and Wildlife CPW.
 - b. The Colorado Dep’t of Public Health and the Environment **CDPHE, Water Quality Control Commission WQCC, implements the Safe Drinking Water Act and the Clean Water Act in Colorado.**
 - i. **Safe Drinking Water Act**, enacted in 1974, applies to every one of the 151,000 public water systems in the US
 - 1) **MCL Maximum Contaminant Levels.**
 - c. **The CWCB, Colorado Water Conservation Board, addresses water supply, drought planning, water project financing, and instream flows.**
15. The **Clean Water Act was enacted after the Cuyahoga River**, which flows into Lake Erie in Cleveland, **caught fire in 1969** when a train spark combusted oil on the river surface and burned down two railroad bridges. The river’s condition was so poor that falling into it mandated a trip

to the emergency room at the nearest hospital.³ The Clean Water Act protects all of the nation's water and how pollution into waters is regulated.

- a. Restore the biological integrity of waters, set clean water standards.
 - b. Govern all pollutants introduced into waters of the US.
 - c. Govern dredge and fill operations in a water body or nearby tributaries. Dredge and Fill operations are considered as a point source.
 - d. Set anti-degradation standards
 - e. All discharges into waters require a permit which the EPA administers.
 - f. The Clean Water Act is implemented in Colorado through administration by the WQCC.
 - g. Colorado sets its own WQCC standards
 - h. **WQCC board** of 9 is appointed by the Governor; **April Long currently serves** on the Commission. The **WQCC sets use classifications**—how water bodies are used, and standards to protect the uses—**for drinking water, recreation, aquatic life, and agriculture**. The standards are a number, the **maximum TMDL** (Total Maximum Daily Load) **of pollution permitted** before water quality is considered degraded. Standard that protects the water quality, and determines if water meets the standard; if not, water is Impaired or Threatened.
 - i. Anti-degradation standards **protect high quality water from further degradation**. The standards are constantly reviewed, and whether a water body needs additional protection.
16. **WOTUS**, which stands for Waters of the US, is a **definition** that has **changed** several times **depending on the Presidential party in power**.
- a. States issue **permits for point source discharges** under section 402. Only a few states administer this.
 - b. **Dredge and Fill requires a permit under section 404**. The US Supreme Court said WOTUS applies if a water body has a significant nexus to another water body; it is often an involved process to determine whether a property is a wetlands or not.
 - c. *Sackett v. EPA* (US Sup Ct 2023) is the latest pronouncement, rewriting the test of what WOTUS waters are covered by the Clean Water Act: “The CWA’s use of “waters” . . . refers only to “geographic[al] features that are **described in ordinary parlance as ‘streams, oceans, rivers, and lakes’** ” **and to adjacent wetlands that are “indistinguishable”** from those bodies of water due to **a continuous surface connection**.”⁴ Since it is a US Supreme Court decision, there are still many unanswered

³ See <https://clevelandhistorical.org/files/show/8386>.

⁴ *Sackett v. EPA*, 598 U.S. 651 (2023).

questions. Sackett reduced the number of water bodies that are considered to be wetlands. The definition is amorphous and leaves unanswered:

- i. **Gap waters: whether the waters that used to be regulated by the CWA are still regulated by the CWA.**
- ii. The Colorado definition of jurisdictional waters was more broad than the federal definition.

17. Kelly Morgan, Manager, Clean Water and Enforcement Section, WQCC, discussed implementation of HB24-1379, Colorado’s Dredge and Fill Program, which the Colorado legislature passed because “*Sackett*, which narrows federal jurisdiction in this area, **has created a need for a state dredge and fill program.**” CRS § 25-8-205.1 (1)(a)(II).

- a. Morgan was assisted by Annette Quill Senior Policy Advisor, and Payeton Childer, Policy Advisor, of WQCC.
- b. HB 24-1379 created **CRS § 25-8-205, which is 26 pages long**,⁵ to ensure that, “**Beginning January 1, 2025, an applicant seeking authorization for discharges of dredged or fill material into state waters** that are not subject to federal jurisdiction **shall submit** to the division any preconstruction **notification** required under the applicable nationwide or regional general permit.” CRS § 25-8-205.1 (5)(b)(II)
- c. “**State waters**” are protected from the impacts of dredge and fill activity after the US Supreme Court limited the historic scope of federal protection under the CWA through *Sackett v. EPA*.
- d. This is **not intended to replace the Army Corps of Engineers 404 program** in Colorado; Colorado’s new dredge and fill authorization statute only applies to “state waters” that are not WOTUS.
- e. **Colorado was the first state to respond with regulations after the *Sackett* decision**, which the US Supreme Court limited to relatively stable bodies of water that have a continuous surface connection to WOTUS. Colorado’s law protects all state waters.
- f. **Three categories of waters:**
 - i. State waters
 - ii. State waters considered WOTUS under *Rapanos* decision—i.e., **wetlands that have a significant nexus** with a traditionally navigated water system.
 - iii. State waters considered WOTUS after the *Sackett* decision. This **had a big impact in Colorado** because we are arid and do not have a lot of permanent bodies of water.
- g. **Exempted activities:**

⁵ https://leg.colorado.gov/sites/default/files/2024a_1379_signed.pdf

- i. **Activities covered under 404 permits** and activities that had prior AJDs or 404 permits.
 - ii. **Normal farming and ranching** activities
 - iii. Maintenance of **structures such as dikes, dams, levees, lagoons, and transportation constructions.**
 - iv. Farm ponds and stock ponds
 - v. **Irrigation ditches** of acequias. This is much broader than the federal exemption, due to the ubiquity of these in Colorado.
 - vi. Drainage ditches, **roadside ditches**, and other ditches or canals.
 - vii. Temporary **sedimentation basins**
 - viii. Farm or forest roads or **temporary roads for wildfire mitigation or mining**
 - ix. **Emergency response** to natural disasters
 - x. Maintenance of water and **wastewater facilities**, including related structures
 - xi. **Off channel reservoirs** including dredging.
 - xii. **Wildlife habitat management** activities.
- h. Excluded water features**
- i. **Ditches** and canals in upland regions
 - ii. **Stormwater control** features in uplands.
 - iii. Artificially **irrigated areas** that would otherwise revert to upland
 - iv. **Artificial lakes**
 - v. **Wetlands adjacent to ditches**
 - vi. Recharge ponds
 - vii. **Swimming pools** in uplands area
 - viii. Water filled depressions adjacent to mining
 - ix. Swales and erosional features such as **gullies, small washes**, and rills
 - x. **Groundwater**
 - xi. **Abandoned cropland** that has not used for ag at least once in the prior 5 years.
- i. WQCC program is administered by the WQCC Division; see **Regulation 87** authorized by HB 24-1379 Colorado Code of Regulations.
- i. Implementing the new regulations.
 - 1) WQCC has enforcement discretion but **activities will not qualify for discretion if they require compensatory mitigation or** are proceeding under **a federal nationwide or regional permit.**
 - 2) Since *Sackett*, Colorado issued a new policy for dredge and fill to ensure certain activities could proceed.

- ii. **Clean Water Policy 17**—project proponents have to notify Colorado that a project is being commenced; to date, **only 35 notifications have been received**, considered to understate actual number of projects.
 - iii. Temporary authorizations will be issued in 2025.
 - iv. Develop a state wide authorization for isolated state waters. These need to be defined.
 - v. Permits may require mitigation activities.
 - vi. **Compensatory mitigation** is required for projects that have unavoidable impacts on **wetlands that are at least 0.1 acre** (436 square feet), and **streams that occupy at least 0.03 acre** (generally streams at least 8” wide) will require a permit for a discharge.
 - j. Regulation 87, effective in 2026: Three categories of rules:
 - i. **Program rules**—these **must be as protective as federal 404b guidelines**. The WQCC Commission will adopt an **exemption for stream restoration activities**. These are being developed pending stakeholder input.
 - ii. Individual Authorization Rules—Application requirements, alternatives
 - iii. **Compensatory Mitigation Rules**—how stakeholders can improve on the federal framework.
 - k. The next stakeholder meeting is Dec 4, 2024, proposed regulation language will be released before this meeting.
 - l. April Long commented that “The requirements to perform work around water or a water body are changing, and have been for the past several decades. **Colorado is adopting its own regulations so they do not change again** [if the Supreme Court changes the definition of WOTUS]. **This rule will not change.**”
 - m. It is illegal to discharge into any waters without a permit.
Gap waters—there’s a category of waters that do not have permits, so no one can work in them.
18. **Members of the Water Quality Control Commission must have** a reputation of **water quality expertise**, technical, legal, municipal, water and wastewater treatment, agricultural experience, or regulated entities.
- a. The rulemaking process takes long time. If a state department submits a rule change, **anyone can become a “party”** to hearing, and have a chance **to rebut a proposed rule**.
 - b. Rulemaking occurs in December. A sample rule has been issued; it will be finalized in December 2025. To make a comment on the record, attend the rulemaking hearing and make a comment during the 3-minute public comment period.
 - c. WQQC represents the headwaters. Garren _____ represents agricultural users.
19. Tory Jarvis described **NWCCOG history**, which covers Glenwood Springs upstream to the headwater counties of Grand, Summit, Pitkin, and Eagle. The Water Quality and Quantity

Committee WQQC, known as “QQ”, includes the headwaters of Colorado and Yampa River Basins.

- a. NWCCOG **started in 1970s from the impact of transmountain diversions** and reduced flows to agriculture, recreation, and tourism. Use local regulation to the best of their ability.
 - b. In the **headwaters, the biggest driver of water quality degradation are non-point sources** (which means they do not come from a single source such as a pipe) such as **real estate construction**, the biggest source of water pollution nationwide. Local governments regulate non-point sources of pollution such as real estate development.
 - c. Colorado is the first state to draft its own dredge and fill permit system. QQ’s goal is finding a balance where all headwaters are protected. There is a lot of economic interest in this, and a tactic is to **receive compensation if waters are filled** during development. Local government can regulate wetlands development.
 - d. **QQ is always a party to rule-making efforts** that impact headwaters. It **sends updates to members** and will participate in the rule-making. There are 47 municipal members of QQ.
20. Garren Northman, a lobbyist with Colorado Legislative Strategies, has represented the Colorado Water Farm Bureau at the State Capitol for over 20 years. He also represents the Rio Grande Conservation District.
- a. Agricultural interests work on the definitions so that **agriculture will not be impacted by new rules**. There hasn’t been much of a difference between the federal and state dredge and fill regulations.
 - b. Agriculture differs across the state. The goal is to exempt agricultural practices from the new regulations.
 - c. **No discharge permit is required for plowing, seeding, minor drainage, application of chemicals, upland land activities, stream recharge activities, acequias and ditches.** The agricultural industry worked hard on crafting HB 24-1379, and included so much ag-specific language, that it does not anticipate it will be impacted by the rules.
 - d. Ken Ransford asked if there are **any agricultural activities that are impacted by the new rules**, and Annette Quill **does not believe there are any**. The **gray area is where real estate development is encroaching into agricultural areas**, and ditches carry water for multiple uses, municipal as well as agricultural.
 - e. **Chris Treece asked if** the Colorado legislation will weather another change in administration that creates **a new definition of “gap waters,”** which refers to waters that used to be regulated by the Clean Water Act before *Sackett*. Annette said **the intent of the legislation is to cover all state waters**; if the pendulum swings further, it will either narrow or expand Colorado’s program, so it is hard to answer this. Annette does not see the landscape changing that much in the near future.
 - f. To determine if water is **WOTUS or state waters, contact the Army Corps of Engineers** first to see what they say—if not WOTUS, it will be a State water.
 - g. Randi Kim of Grand Junction said that 72% of Mesa County is controlled by federal or Colorado governments. **Colorado has jurisdiction over discharges on BLM or**

National Forest lands. Unless a federal facility like an army base is involved, the state laws will control. One exception is Rocky Mountain National Park.

21. **Compensatory mitigation.** This generally requires **avoidance or minimization of impact**. If the development still causes an impact, rules require **compensation for the loss of wetlands or stream being filled in**. What makes the most sense to assess the impacts and determine mitigation ratios, depending on the type and extent of impact, such as an acre for acre.
- a. Torie said **the mitigation area could be far removed from the project**. QQ is interested in **keeping the mitigation closer to the harm**. This is a **benefit of having Colorado manage this process**—it will take a **more local approach than the federal government** might.
 - b. Greg Williams asked if the **ratios will be similar to federal project mitigation** requirements; yes, this is likely. The Colorado statute said the Colorado rules must be as protective as the federal guidelines.
 - c. The bill anticipates **a West slope person will be hired to administer the Colorado program on the West slope**.
22. **CWCB Update Jeff Rodriguez**
- a. The **CWCB Guide draft** is being submitted to the CWCB Board; the **DRAFT status will be continued through January 2025**, so **comments can still be made** regarding the Guide. It is a guide for new CWCB, Roundtable, and IBCC members about **how the CWCB works with the roundtables**. It has an extensive question and answer section.
 - b. The **Governor's budget** was released, there is pressure on the General Fund due to TABOR limits that **could impact CWCB cash allocation available for WSRF grants**.
 - c. The **Upper Colorado River Commission UCRC approved \$7m for diversion measurements in Colorado water divisions 4, 5, 6 and 7**. The CWCB will administer these funds. In 2025 they will hire an engineering consultant and then install diversion measurement devices.
 - d. **Russ Sands has moved to the Colorado Energy Office**. Cat is taking over.
 - e. **CWP plan grant applications are due December 1**, even though it occurs on a Sunday. It is best to log into the CWCB portal on Monday of Thanksgiving Week, Monday November 25.
23. **Paul Bruchez, CWCB Report.**
- a. ILVK (Irrigators with Lands in the Vicinity of Kremmling) Update. In 2012 the first grant was received for **10 miles of the Upper Colorado River and 2 miles of the Blue River**, upstream from their confluence downstream of Kremmling. **\$6m of work has been done**. At 9:30 AM on Thursday Nov 20, Paul will report on this at the CWCB meeting. The project **improved headgates so that water now reaches irrigation ditches for the first time in decades**.
 - b. **Nationwide 27 permit was received** from the Army Corps of Engineers for this project.

- c. Merrit Linke saluted Paul Bruchez for the work he did to coalesce the Upper Colorado River ranchers to do these projects.
24. **IBCC Update** Stan Cazier and Carlyle Currier.
- a. Stan stressed how **important** it is **to discuss the Shoshone water right with other basins. Few people really understand this water right** and how important it is to the West slope.
25. Colorado River District **hydrology report, Brendan Langenhuizen.**
- a. November snowpack is 100% of average in Colorado River Basin, Southwest and Rio Grande are above normal. Monument had 4' of snow recently, a record snowfall.
 - b. The most probable inflow is 8.64 maf, about 90% of average. Lake Powell is in the 10th percentile and not expected to change. The August 24-Month Study projects the most probable Lake Powell elevation on January 1, 2025. The **likely 2026 Lake Powell release is 7.48 maf.**
 - c. **Lake Powell is at 3,575' above sea level.** The turbine level is at 3,490', and the recommended lower reservoir level is 3,525' to prevent cavitation. The Dead pool level is 3,370.'
 - d. **August through October was the hottest ever** on record over 130 years. Also warm the past 12 months, on average 3.2 F warmer than typical. Precipitation over the past 12 months is average. There are some wet areas along the Continental Divide, but they are not huge.
 - e. Watershed droughts: see slide. The drought monitor is showing that **drought is starting to enclose the Colorado River Basin, starting in the headwaters.** It is projected to be dryer and warmer. **Below average precipitation is predicted for the next 3 months,** and above average probability for warmer temperatures.
26. **Amy Ostdiek, CWCBC, Interstate update.**
- a. The **Upper Colorado River Commission UCRC approved using OpenET to estimate consumption savings from conserved water.** Conservation savings have been considered "system water" that was not credited to the irrigators or states that were conserving water. **Savings that occur through 2026 through demand management will be accounted for.**
 - b. The SCPP program reauthorization for 2025 and 26 is pending in Congress and has not yet been authorized as of January 15, 2025. **The UCRC is not yet accepting applications for 2025.** The UCRC is still setting parameters for how to participate.
 - c. Post-2026 negotiations. Negotiations are ongoing, BuRec is looking at alternatives. It has done some preliminary modeling, and **the Upper Division model is working best at protecting Lake Powell levels,** which is exactly what the model is supposed to do.

- d. Mischaracterizations of the Upper Division alternative. The **Upper Basin is not looking for equal uses. In dry years, Upper Basin users take a 30% reduction** relative to demonstrated demands (i.e., water they've been previously using and would be used if available). The **Upper Division alternative recommends the Lower Basin** reduce consumption by 30% (2.4 maf), amounting to a **total reduction of 3.9 maf, 1.5 maf to account for evaporation and transit losses, plus 2.4 maf of irrigation consumption.** The Upper Division is lobbying for proportionate reductions.
 - e. In sum, there is **likely to be a proportionate reduction of 30% of consumptive use in both the Upper and Lower Basins.** The Upper Division analysis goes furthest in protecting Lake Powell and Lake Mead levels.
 - f. April Long asked **how environmental needs are being met.** Ostdiek said the **goal is to rebuild storage and above the 3,525' level.**
 - g. Small mouth bass, an invasive species, entered Lake Powell's outlet tubes and infiltrated the Colorado River below Glen Canyon Dam. This would not have occurred if reservoir levels had not dropped to 3,550' because **small mouth bass typically do not dive deeper than 30.'**
 - h. The Biden Administration has said it will not release any guidance on the Colorado River negotiations, and leave it up to the next administration. **BuRec is unlikely to have the NEPA analysis done by the end of 2024.** So, Amy does not expect any change in Lake Powell operations before the Trump Administration takes place.
 - i. Chris Treece asked if the change in Trump administration has spurred the states to come to a consensus proposal? The drought Contingency Plans were completed in the first Trump Administration, so a lot of people think it will be business as normal. The principal parties have been trying to reach consensus, but the **philosophical disagreements still must be resolved.** It is still a **NEPA process**, and that **has a built-in time line.**
27. IBCC Report, Stan Cazier. In February, IBCC will be given a list of additional tasks. Russ Sands advised the IBCC for 7 years; his absence will be missed. Stan suggested the Trump administration could cause a change in the 2026 negotiations, noting the **2007 Interim Guidelines were developed when there was a change in the people running the government.**
28. Colorado River District Report, Brendon
- a. Accelerator grants are available to get a grant request prepared for federal funding.
 - b. **Shoshone update.** The River District **request for \$40m from the federal government** to purchase the Shoshone Water Right **is due November 22.** They need to get an instream flow water right, and then need PUC approval of the sale before the money will be spent. They have **raised \$19m in 10 months from local cities,** businesses and water providers.
 - c. The Colorado River District received **58 letters of support** represented over 100 organizations; securing the **Shoshone power plant water right will allow the Programmatic Biological Opinion to be met on the 15-Mile Reach.**

- d. Chris queried **if Water Court reduces the instream flow right**, whether this would reduce the price. Brendon said **this is not anticipated**.
29. **Paula Stepp is the new PEPO coordinator**, following her role as Executive Director for the Middle Colorado Watershed Council.
- a. The **PEPO grant request of \$25,000 was approved through November 30, 2025**.
 - b. Paula's email is **psteppconsulting@gmail.com**
 - c. Paula is sending out emails for April, and it is coming from Mail Chimp.
30. CBRT Grants Committee needs a chair as **James Dilzell is withdrawing**.
- a. **CBRT Membership Committee** needs to recruit members; Chris Treece and Diane Johnson volunteered to help out on this committee. **Open seats** include:
 - b. Battlement Mesa Water Conservancy District
 - i. Greg Williams said that Ute Water purchased their water right, so it may not be in existence any longer.
 - c. Bluestone Water Conservancy District near Debeque
 - d. Silt Water Conservancy District
 - e. Gunnison County Rep from Marble
 - f. Grand County Municipalities Rep
 - g. Pitkin County Rep – PJ Murray will likely fill this seat.
 - h. Gunnison County Municipal Rep
 - i. Agricultural at large Rep
 - j. Industrial at large Rep
 - k. At large municipal water right Rep
 - l. Water Rights Owner
 - m. Eagle County Municipal Rep
31. April requested suggestions for meeting topics; suggestions included:
- a. Legislative updates
 - b. Greg Peterson requested water quality studies on ranches on West Slope