



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Robert Viehl, Chief
Stream and Lake Protection Section

DATE: March 19-20, 2025

SUBJECT: CA 2a Poudre River Instream Flow Augmentation Plan

Staff Recommendation: The recommendation is for the Board to authorize an expenditure of up to \$43,900 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.

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 most of 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:

1. Prepare and Attend Depositions - Assist legal counsel in preparing for potential depositions of applicant and opposer expert witnesses. Attend depositions and give deposition testimony as necessary.



2. Prepare Exhibits - Prepare exhibits to aid in presenting how the proposed Poudre Flows Plan will operate to enhance Poudre River streamflows while preventing injury to other water rights. Also prepare exhibits to assist with cross examination of opposer expert witnesses.
3. Testimony Preparation and Practice - Work with legal counsel to develop detailed testimony outlines and presentations for trial. Practice delivery of testimony with legal counsel as necessary.
4. Settlement Negotiations - Assist legal counsel representatives of the applicants in settlement negotiations with opposers.
5. Monthly Meetings - Remote attendance of the monthly meetings of the Poudre Flows applicants through October 2025.