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Summary Minutes and Record of Decisions

July 16 -17, 2025 Board Meeting

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the SteamPlant in Salida and virtually on zoom. The meeting was called to order by Chair Lorelei Cloud. 8 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, Taylor Hawes, Lorelei Cloud, John McClow, Greg Johnson, and Nathan Coombs, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources. Voting members Barbara Vasquez arrived at 9:15a.m. and Mike Camblin arrived virtually at 10:30a.m. Non-voting ex officio members present or represented were: Scott Steinbrecher, Attorney General's Office; Maura McGovern, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture; Jason Ullmann, State Engineer, Becky Mitchell, IBCC Director, 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 Lorelei Cloud. 8 voting members were present at the call to order, so a quorum was present (at least 6 required). The voting members present were: Taylor Hawes, Greg Johnson, Mike Camblin, Barbara Vasquez, Brad Wind, Greg Felt, Lorelei Cloud, and Nathan Coombs. Non-voting ex officio members present or represented were: Nate Pearson, Department of Natural Resources, Maura McGovern, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele was also in attendance.

Wednesday, July 16, 2025

1 Review and Approve Agenda

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

2 Review and Approve May 21 & 22, 2025 Board Meeting Minutes

A motion to approve the May 2025 Board minutes was made by Nathan Coombs, which was seconded by Taylor Hawes. 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 Johnson, which was seconded by John McCloy. The motion was approved unanimously (8-0).

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. 20CW3060 (Water Division 6): Application of Dequine Family LLC
- b. Case No. 25CW3003 (Water Division 3): Application of Flying X Cattle Company, Inc., Anne C. Nielsen, Edwin C. Nielsen, Scott Nielsen, and Stan Nielsen
- c. Case No. 25CW3017 (Water Division 4): Application of Tri County Water Conservancy District
- d. Case No. 25CW0006 (Water Division 6): Application of The Preserve@Pearl Lake Subdivision Homeowners Association
- e. Case No. 25CW3008 (Water Division 6): Application of Srednicki Daughters' Common Trust, Steamboat Powder, LLC, and Storm Mountain Ranch Association

2. Water Supply Reserve Fund Grants

Grants Section

- a. **Basin - Colorado**
Applicant - American Whitewater
Name of Water Activity - Survey River Recreation Opportunities in the Colorado River Basin
- b. **Basin - Colorado**
Applicant - Snake River Water District
Name of Water Activity - Well Redevelopment - PFAS Compliance

c. **Basin** - Rio Grande
Applicant - Alamosa La Jara Water Conservancy District
Name of Water Activity - Alamosa River Water Delivery Improvement Project
Phase 2

3. Grant Changes
Grants Section

- a. Guadalupe Sanchez Acequia Project (WSRF)
- b. Software for Improved Delivery Efficiency (WPG)

4. Change to Existing Loan
Finance Section

- a. Rio Blanco Water Conservancy District - Taylor Draw Hydroelectric Turbine Refurbishment - Loan Increase

5. Floodplain Designation
Watershed and Flood Protection Section

- a. "Flood Insurance Study, Mineral County, Colorado, and Incorporated Areas", by FEMA, dated July 8, 2025

4	Directors' Reports
4a.	DNR Executive Director - Dan Gibbs
4b.	CWCB Director – Lauren Ris
4c.	IBCC Director – Becky Mitchell
4d.	Agriculture Commissioner – Robert Sakata
4e.	State Engineer – Jason Ullmann
4f.	Colorado Parks and Wildlife Director – Maura McGovern
4g.	Water Resource and Power Development Authority – Keith McLaughlin

5 Water Supply Reserve Fund Applications July 2025

Grants Section

a. Basin – Colorado

Applicant – Collbran Conservancy District

Name of Water Activity – Parker Basin Project

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

Staff Recommendation: Staff recommends approval of up to \$150,000 from the Colorado Basin Account

b. Basin – Colorado

Applicant – Pitkin County Board of Commissioners

Name of Water Activity – Pitkin County Lincoln Creek

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

Staff Recommendation: Staff recommends approval of up to \$150,000 from the Colorado Basin Account. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

6 Financial Matters – Construction Fund and Severance Tax Perpetual Base Fund

Finance Section

Action: Report by CWCB staff member Kirk Russell.

b. Financial Projections and Cash Management Report

This is an informational item with no Board action required.

7 Water Project Loans

Finance Section

a. Fox Fire Subdistrict – Water Distribution Construction

Action: Report by CWCB staff member Joshua Godwin, Ed Tolen addressed the Board. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Greg Johnson. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$1,212,000 (\$1,200,000 for project costs and \$12,000 for the 1% service fee) to the Fox Fire Subdistrict of the La Plata Archuleta Water District for costs related to the Water Distribution Construction, from the Construction Fund. The loan term will be 30 years at an interest rate of 3.75% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

b. Water Supply & Storage Company – Canal Check Structure Automation – Phase 1

Action: Report by CWCB staff member Zach Salin, Eric Westland addressed the Board. A motion to approve the staff recommendation was made by Brad Wind, which was seconded by Nathan Coombs. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$2,590,650 (\$2,565,000 for project costs and \$25,650 for the 1% service fee) to the Water Supply and Storage Company, for costs related to the Canal Check Structure Automation - Phase 1, from the Construction Fund. The loan term will be 30 years at an interest rate of 3.55% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

c. San Luis Valley Irrigation District – Farmers Union Diversion Infrastructure Improvement

Action: Report by CWCB staff member Zach Salin, Rob Phillips addressed the Board. A motion to approve the staff recommendation was made by Nathan Coombs, which was seconded by Barbara Vasquez. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$249,470 (\$247,000 for project costs and \$2,470 for the 1% service fee) to the San Luis Valley Irrigation District, for costs related to the Farmers Union Diversion Infrastructure Improvement, from the Construction Fund. The loan term will be 30 years at an interest rate of 2.35% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

8 CWCB Marketing & Communications Update

Action: Report by CWCB staff member Katie Weeman

This is an informational item with no Board action required.

**9 Water Plan Agency Action 4.3 – Statewide Messaging Campaign
Water Supply Planning Section**

Action: Report by CWCB staff members Kat Weismiller and Elizabeth Schoder.

This is an informational item with no Board action required.

10 **Water Plan Agency Action 4.1 – Education Hub Partnership**
Water Supply Planning Section

Action: Report by CWCB staff member Elizabeth Schoder.

This is an informational item with no Board action required.

11 **Wild & Scenic Rivers Fund Grant Program Update**
Interstate, Federal, & Water Information and Stream & Lake Protection Section

Action: Report by CWCB staff members Brandy Logan and Andrew Rickert. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Taylor Hawes. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends that the Board:

1. Affirm that the need and purpose of the Wild and Scenic Rivers Fund still exists and is expected to continue in the future; and
2. Affirm that the existing Wild and Scenic Fund Guidelines are adequate without revision.

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

Action: Report by CWCB Staff members Amy Ost diek and Michelle Garrison.

This is an informational item with no Board action required.

13 **Attorney General’s Report, Legal Briefing, and Executive Session**

Action: Report by Scott Steinbrecher and Attorney General Counsel to the Board, Jen Mele. A motion to go into Executive Session was made by Dan Gibbs, which was seconded by Greg Felt. The motion was approved unanimously (10-0).

14 **Executive Session**

14a Post 2026 Update

15 **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 Taylor Hawes. The motion was approved unanimously (10-0).

16 Best Practices for Boards and Commissions (HB18-1198)

Action: Report by Counsel to the Board, Jen Mele Attorney Generals Office.

This is an informational item with no Board action required.

Thursday, July 17, 2025

17 Basin Directors' Reports

17a Gunnison River Basin Director's Report – Absent

17b North Platte River Basin Director's Report – *Barbara Vasquez*

17c South Platte River Basin Director's Report – *Brad Wind*

17d Arkansas River Basin Director's Report – *Greg Felt*

17e City and County of Denver Director's Report – *Greg Johnson*

17f Rio Grande River Basin Director's Report – *Nathan Coombs*

17g Yampa-White River Basin Director's Report – *Mike Camblin*

17h Colorado River (Mainstem) Basin Director's Report – *Taylor Hawes*

17i San Juan/San Miguel-Dolores River Basin Director's Report – *Lorelei Cloud*

18 Project 7 Water Authority, Fish and Wildlife Mitigation Plan

Watershed and Flood Protection Section

Action: Report by CWCB staff member Chris Sturm, Elizabeth Joyce with the Attorney General's Office, and Patrick Bachmann with CPW addressed the Board. A motion to approve the amended staff

recommendation was made by Barbara Vasquez, which was seconded by Nathan Coombs. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends that the Board adopt the Project 7 Water Authority's Fish and Wildlife Mitigation Plan for their Regional Water Resiliency Program.

19 **Instream Flow Appropriations**
Stream and Lake Protection Section

19a **Final Action on 2025 Uncontested Instream Flow Recommendations in Water Divisions 4, 6, and 7**

Action: Report by CWCB staff member Marielle Sidell. A motion to approve the staff recommendation was made by Greg Johnson, which was seconded by Taylor Hawes. The motion was approved unanimously (8-0).

Staff Recommendation: Staff requests that the Board make the following determinations and take the following actions on each instream flow (ISF) water right listed in Table 1. The information necessary to support these determinations is contained in this memo, the recommendation letters and documentation submitted by the Bureau of Land Management (BLM) and in the staff's memo and oral presentation provided at the March 19, 2025, Board meeting.

(1) Determine, pursuant to section 37-92-102(3), C.R.S., that for the ISF appropriations identified in Table 1:

(a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;

(b) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriation; and

(c) Such natural environment can exist without material injury to water rights.

(2) Pursuant to ISF Rule 5f., establish March 19, 2025 as the appropriation date for the Burrows Creek ISF appropriation.

(3) Pursuant to ISF Rule 5f., establish the appropriation date for the Vermillion Creek ISF appropriations as the date of the filing of the water court application which will occur no sooner than November 2, 2025 and no later than December 31, 2025.

(4) Pursuant to ISF Rule 5f., establish the appropriation date for the West Muddy Creek ISF appropriation as the date of the filing of the water court application which will occur no sooner than December 1, 2025 and no later than December 31, 2025.

(5) Include in the West Muddy Creek appropriation and in future water court application, filings, and decree the terms and conditions agreed upon between the CWCB, Ragged Mountain Water Users Association, and the North Fork Water Conservancy District. (Attachment A).

(6) Request staff to work with the Attorney General's office to file applications for these water rights in water court by the end of the calendar year.

19b Contested ISF Appropriations – East Muddy Creek and Milk Creek in Water Divisions 4, and 6

Action: Report by CWCB staff member Marielle Sidell. A motion to approve the staff recommendation was made by Greg Felt, which was seconded by Barbara Vasquez. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends that the Board designate First Assistant Attorney General Jennifer Mele as the Hearing Officer for the contested instream flow appropriations on East Muddy Creek in Water Division 4 and Milk Creek in Water Division 6 and set the hearing date to be held in conjunction with the Board’s November 19-20, 2025 meeting.

20 Instream Flow Acquisitions
Stream and Lake Protection Section

20a Request for Implementation and Funding for the 5-Year Water Use Agreement with Ute Water Conservancy District to Lease Ruedi Reservoir Water for Instream Flow Use on the 15-Mile Reach for 2025, Water Division 5 (only meeting)

Action: Report by CWCB staff member Lisa Bright-Unger. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Taylor Hawes. The motion was approved unanimously (8-0).

Staff Recommendation: 1) Direct Staff to implement the third annual short-term lease of a previously approved five-year water use agreement with Ute Water Conservancy District (“District”) for Ruedi Reservoir water to be released for instream flow (“ISF”) use in the 15-Mile Reach of the Colorado River.
2) Authorize an expenditure up to \$120,000 from the Species Conservation Trust Fund (“SCTF”) to fund the short-term lease of up to 6,000 acre-feet of Ruedi water.

20b Proposed Permanent Acquisition for an Interest in the Mineral Point Ditch Water Right on Burrows Creek for Instream Flow Use as a Perpetual Lease with the U.S. Bureau of Land Management, Water Division 7 (2nd meeting)

Action: Report by CWCB staff member Lisa Bright-Unger. A motion to approve the staff recommendation was made by Nathan Coombs, which was seconded by Barbara Vasquez. The motion was approved unanimously (8-0).

Staff Recommendation: 1) Accept the U.S. Bureau of Land Management’s (“BLM”) offer for a contractual interest in the Mineral Point Ditch water right on Burrows Creek, up to the decreed

amounts, to be used for instream flow (“ISF”) by the CWCB through a perpetual lease agreement to preserve the natural environment to a reasonable degree to benefit the Animas River system and restore flows to Burrows Creek.

2) Determine that the best use of the acquired contractual interest in the Mineral Point Ditch rights is to preserve the natural environment to a reasonable degree within the proposed reach up to the CPW recommended flow rates.

3) Authorize the CWCB Director to sign a perpetual lease with BLM.

4) Request staff to work with the Attorney General’s office and the BLM to file a water court application requesting to add ISF use to the Mineral Point Ditch water rights in accordance with 37-92-102(3).

20c Implementation of a Renewable Temporary Lease of Stagecoach Reservoir Water for Instream Flow Use on the Upper Yampa River, Water Division 6

Action: Report by CWCB staff member Rob Viehl and Jackie Calicchio with the Attorney General’s Office. Brad Wind and Greg Johnson recused themselves from this agenda item.

This is an informational item with no Board action required.

ADJOURN

A motion to adjourn the July 2025 Board meeting was made by Greg Felt, which was seconded by Taylor Hawes. The motion was approved unanimously (8-0).

Rulemaking Hearing to Revise Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2

Stream and Lake Protection Section

Action: Report by CWCB staff member Kaylea White. Josh Boissevain with Colorado Water Trust, Katie Birch with CPW, Elizabeth Joyce with Attorney General’s Office, John Cyran and Orla Bannon with Western Resource Advocates, Trout Unlimited, Conservation Colorado, and National Audubon Society addressed the Board.

A motion to approve the staff recommendation was made by Taylor Hawes, which was seconded by Barbara Vasquez. The motion was approved unanimously (8-0).

Staff Recommendation: CWCB Staff recommends that the Board adopt the amended ISF Rules and the proposed Statement of Basis and Purpose, which include the CPW edits, attached to CWCB Staff’s Supplemental Prehearing Statement as Exhibits A and B.