

DRAFT

Summary Minutes and Record of Decisions

May 21 & 22, 2025 Board Meeting

A regular meeting of the Colorado Water Conservation Board (CWCB) convened at the Steamboat Grand in Steamboat Springs and virtually on zoom. The meeting was called to order by Chair Nathan Coombs. 10 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, Barbara Vasquez, Mike Camblin, Lorelei Cloud, John McClow, Greg Johnson, and Nathan Coombs, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were: Scott Steinbrecher, Attorney General's Office; Matt Nicholl, Colorado Parks and Wildlife; Kate Greenberg & 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. 10 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, John McClow, Barbara Vasquez, Brad Wind, Greg Felt, Lorelei Cloud, and Nathan Coombs, and ex-officio voting member Dan Gibbs, Executive Director of the Department of Natural Resources. Non-voting ex officio members present or represented were: Scott Steinbrecher, Attorney General's Office, Matt Nicholl, Colorado Parks and Wildlife; Robert Sakata, Department of Agriculture; Jason Ullmann, State Engineer, and Lauren Ris, Colorado Water Conservation Board Director. Counsel to the Board, Jen Mele was also in attendance.

Wednesday, May 21, 2025

1a. Election of New Chair and Vice Chair

A motion to elect Lorelei Cloud as the Chair was made by Taylor Hawes, which was seconded by Brad Wind. The motion was approved unanimously (9-0).

A motion to elect Barbara Vasquez as the Vice Chair was made by Greg Johnson, which was seconded by John McClow. The motion was approved unanimously (9-0).

1b. Review and Approve Agenda

A motion to approve the agenda was made by Barbara Vasquez, which was seconded by Nathan Coombs. The motion was approved unanimously (10-0).

2 Review and Approve March 19 & 20, 2025 Board Meeting Minutes

A motion to approve the March 2025 Board minutes was made by Greg Felt, which was seconded by Taylor Hawes. The motion was approved unanimously (10-0).

3 Approve and/or Remove Consent Agenda Items

A motion to approve the Consent Agenda Items 1ab, 2a, cd, 4a, 5a was made by Greg Felt, which was seconded by Nathan Coombs. The motion was approved unanimously (10-0).

A motion to approve the Consent Agenda Items 2b and 3a was made by Greg Felt, which was seconded by Mike Camblin. Greg Johnson (2b) and John McClow(3a) recused themselves from the vote, 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. 25CW3003 (Water Division 6): Application of Alpine Mountain Ranch Metropolitan District
- b. Case No. 25CW3002 (Water Division 7): Application of Olympus Real Estate Group

2. Turf Replacement Grant Program

Water Supply Planning Section

- a. Basin - South Platte

Applicant - Denver Parks and Rec
Project - Denver Parks and Rec

b. Basin - South Platte

Applicant - Denver Water
Project - Denver Water

c. Basin - Arkansas

Applicant - City of Lamar
Project - City of Lamar

d. Basin - South Platte

Applicant - Southeast Metro Stormwater Authority
Project - Southeast Metro Stormwater Authority

3. Water Supply Reserve Fund Grants

Grants Section

a. Basin - North Platte

Applicant - Owl Mountain Partnership
Name of Water Activity - Chapman North Ditch/South DivERSION
Structure & Flume

4. Change of Water Plan Grant

Grants Section

a. Culebra Watershed Partnership Project

b. San Luis Valley Wool Pellet Project

5. Prequalification of Water Project Loan

Finance Section

a. Fox Fire Subdistrict of the La Plata Archuleta Water District

4 Directors' Reports

4a. DNR Executive Director - Dan Gibbs

4b. CWCB Director – Lauren Ris

4c. IBCC Director – Becky Mitchell

4d. Agriculture Commissioner – Kate Greenberg

4e.	State Engineer – Jason Ullmann
4f.	Colorado Parks and Wildlife Director – Matt Nicholl
4g.	Water Resource and Power Development Authority – Jim Griffiths
5	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 Greg Johnson, which was seconded by Brad Wind. The motion was approved unanimously (10-0).
6	Executive Session
6a	Colorado River Post-2026 Negotiations
6b	Litigation Fund
6c	South Platte Update: Perkins County Canal
7	Report from Executive Session Action: Report by Counsel to the Board, Jen Mele. A motion to come out of Executive Session was made by Barbara Vasquez, which was seconded by Mike Camblin. The motion was approved unanimously (10-0).
8	WEco Annual Allocation <i>Water Supply Planning Section</i> Action: Report by CWCB staff member Elizabeth Schroder and Juan Perez Saez, WEco Executive Director. A motion to approve the staff recommendation was made by Taylor Hawes, which was seconded by Dan Gibbs. The motion was approved unanimously (10-0). Staff Recommendation: Staff recommends the Board approve the proposed Fiscal Year 2026 Scope of Work for Water Education Colorado (WEco).

9	Instream Flow Appropriations <i>Stream and Lake Protection Section</i>
9a	<p>Fial Action on 2025 Uncontested Instream Flow Recommendations</p> <p>Action: Report by CWCB staff member Laura Corona. A motion to approve the staff recommendation was made by Barbara Vasquez, which was seconded by Greg Johnson. The motion was approved unanimously (10-0).</p> <p>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), Colorado Parks and Wildlife (CPW), and High Country Conservation Advocates (HCCA), and in staff's memo and oral presentation provided at the January 27, 2025, Board meeting.</p> <p>(1) Determine, pursuant to section 37-92-102(3), C.R.S., that for the ISF appropriations identified in Tables 1:</p> <p>(a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;</p> <p>(b) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriation; and</p> <p>(c) Such natural environment can exist without material injury to water rights.</p> <p>(2) Pursuant to ISF Rule 5f., establish January 27, 2025 as the appropriation date for these water rights.</p> <p>(3) Include in this appropriation and in future water court application, filings, and decree the terms and conditions agreed upon between the CWCB, Ute Water Conservancy District, and Coon Creek Reservoir and Ditch Company and contained in the attached amended stipulation and agreement (Attachment A).</p> <p>(4) 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.</p>
9b	<p>Public Comment Instream Flow Water Rights in Water Divisions 4, 6, and 7</p> <p>Action: Report by CWCB staff member Laura Corona. Jim Auster addressed the Board with his public comments.</p> <p><i>This is an informational item with no Board action required.</i></p>
10	Instream Flow Acquisitions <i>Stream and Lake Protection Section</i>

10a	<p>Proposed 2-Year Water Use Agreement with Garfield County to Lease Ruedi Reservoir Water for Instream Flow Use on the 15-Mile Reach and Request Funding, Water Division 5. (2nd Meeting)</p> <p>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 Taylor Hawes. The motion was approved unanimously (10-0).</p> <p>Staff Recommendation: Formal action is required at this meeting. 1) Direct Staff to execute the proposed Water Use Agreement with Garfield County. 2) Authorize an expenditure of up to \$29,732.50 in 2025 to implement and fund the first short-term annual lease under the Water Use Agreement with Garfield County.</p>
10b	<p>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 (1st meeting)</p> <p>Action: Report by CWCB staff member Lisa Bright-Unger and Roy Smith with the BLM.</p> <p><i>This is an informational item with no Board action required.</i></p>
10c	<p>Implementation of a Renewable Temporary Lease of Stagecoach Reservoir Water for Instream Flow Use on the Upper Yampa River, Water Division 6</p> <p>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 Greg Johnson. The motion was approved unanimously (10-0).</p> <p>Staff Recommendation: Staff recommends the Board authorize an expenditure up to \$250,000 from the CWCB Construction Fund to implement the renewable, temporary instream flow (“ISF”) lease (“Temporary ISF Lease”) of up to 4,544 acre-feet (“AF”) of water from the Colorado Water Trust and Upper Yampa Water Conservancy District. Authorization of the funding will allow staff to implement and fund the Temporary ISF Lease.</p>
10d	<p>Proposed Acquisition for an Interest in the Shoshone Water Rights for Instream Flow Use on the Colorado River, Water Division 5 (1st Meeting)</p> <p>Action: Report by CWCB staff members Rob Viehl and Kaylea White, Andy Mueller and Amy Moyer with Colorado River District, Brad McClow with Xcel Energy, James Heath DWR Water Div 5 Engineer, Kendall Bakich and Katie Birch with CPW presented to the Board. There were several people who presented during public comment (their names are on a separate attachment).</p> <p><i>This is an informational item with no Board action required.</i></p>

Thursday, May 22, 2025

11 Basin Directors' Reports

11a San Juan/San Miguel-Dolores River Basin Director's Report – *Lorelei Cloud*

11b Gunnison River Basin Director's Report – *John McClow*

11c North Platte River Basin Director's Report – *Barbara Vasquez*

11d South Platte River Basin Director's Report – *Brad Wind*

11e Arkansas River Basin Director's Report – *Greg Felt*

11f City and County of Denver Director's Report – *Greg Johnson*

11g Rio Grande River Basin Director's Report – *Nathan Coombs*

11h Yampa-White River Basin Director's Report – *Mike Camblin*

11i Colorado River (Mainstem) Basin Director's Report – *Taylor Hawes*

12 Water Plan Action 1.9 – Storage Study Informational Update
Water Supply Planning Section

Action: Report by CWCB staff members Kat Weismiller and Sam Stein.

This is an informational item with no Board action required.

13 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.

14 Water Project Loans

a. Central Colorado Water Conservancy District – Chatfield Reservoir Reallocation Unit Purchase

Action: Report by CWCB staff member Kirk Russell, Randy Ray with CCWCD addressed the Board. A motion to approve the staff recommendation was made by Mike Camblin, which was seconded by Brad Wind, Barbara Vasquez abstained from the vote. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends the Board approve a modification to the original sale of up to 1,000 acre-feet of Orphan Shares, owned by CWCB, in the Chatfield Reservoir Reallocation Project at the March 2025 CWCB Meeting (Agenda Item 23). The change will allow the Central Colorado Water Conservancy District acting by and through its Water Activity Enterprise to be the purchaser of the Reallocation Project Units.

Staff also recommends the Board approve a loan not to exceed \$8,651,700 (\$8,566,040 for Purchase and \$85,660 for the 1% service fee) to the Central Colorado Water Conservancy District, acting by and through its Water Activity Enterprise, for costs related to the Chatfield Reservoir Reallocation Unit Purchase, from the Severance Tax Perpetual Base 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. Lower Latham Reservoir Company – Jurgens Reservoir Construction Project

Action: Report by CWCB staff member Zach Salin. A motion to approve the staff recommendation was made by John McClow, 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 \$9,999,000 (\$9,900,000 for project costs and \$99,000 for the 1% service fee) to the Lower Latham Reservoir Company, for costs related to the Jurgens Reservoir Construction Project, from the Severance Tax Perpetual Base Fund. The loan term will be 30 years at an interest rate of 2.20% per annum. Security for the loan shall be in compliance with CWCB Financial Policy #5.

In addition, Staff recommends the Board approve the inclusion of the Jurgens Reservoir Construction Project Loan for up to \$20,166,670 (\$19,967,000 for Project costs and \$199,670 for the 1% service fee) to the Lower Latham Reservoir Company for costs related to the Jurgens Reservoir Construction Project in the 2026 CWCB Projects Bill for consideration by the bill sponsors. This is an increase of \$10,167,670 (\$10,067,000 for Project costs and \$100,670 for the 1% service fee).

c. Circle C Ranches, LLC – Little King Ranch Dam Rehabilitation Project

Action: Report by CWCB staff member Zach Salin. A motion to approve the staff recommendation was made by Nathan Coombs, which was seconded by Barbara Vasquez. Greg Felt abstained from the vote, the motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends the Board approve a loan not to exceed \$9,918,200 (\$9,820,000 for project costs and \$98,200 for the 1% service fee) to Circle C Ranches, LLC, for costs related to the Little King Ranch Dam Rehabilitation Project, from the Severance Tax Perpetual Base

Fund. The loan term will be 20 years at an interest rate of 5.25% per annum. Security for the loan shall be in compliance with CWCB Financial Policies #5 and #11.

15 FY25-26 Water Plan Grant Funding Targets by Category

Grants Section

Action: Report by CWCB staff member Anna Mauss. A motion to approve the staff recommendation was made by Taylor Hawes, which was seconded by Barbara Vasquez. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board set target allocations for Fiscal Year 2025-2026 to distribute the \$36.77M in available Water Plan Grant funding as described in Table 1 below.

Table 1: Recommended Target Allocation by Category for Fiscal Year 2025-2026

Category	Target Allocation %	Target Allocation \$
Agriculture	24%	\$8,825,000
Conservation & Land Use	16%	\$5,883,000
Engagement & Innovation	6%	\$2,206,000
Storage & Supply	23%	\$8,457,000
Watershed Health & Recreation	31%	\$11,399,000
Total	100%	\$36,770,000

16 Water Supply Reserve Fund Applications May 2025

Grants Section

a. Basin – North Platte

Applicant – Tom Barenberg Properties

Name of Water Activity – Doran Creek Reservoir

Action: Report by CWCB staff member Ben Wade. A motion to approve the staff recommendation was made by Greg Johnson, which was seconded by Nathan Coombs, Barbara Vasquez recused herself from the vote. The motion was approved unanimously (8-0).

Staff Recommendation: Staff recommends approval of up to \$300,000. Project approval is contingent upon the applicants' abilities to resolve issues and additional needs identified by staff.

17 South Fork Focus Zone Irrigated Acreage Retirement Program Guidelines

Administrative and Operations Section

Action: Report by CWCB staff member Cole Bedford. A motion to approve the staff recommendation was made by Nathan Coombs, which was seconded by Taylor Hawes. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve the attached South Fork Focus Zone Irrigated Acreage Retirement Program (Program) Guidelines, which will go into effect when funding becomes available after July 1, 2025.

Staff further recommends that the Board authorize the CWCB Director to approve all grant awards for the Program. This is a deviation from CWCB Policy 25 – Approval of Grants.

18 Technical Assistance for Federal Cost Share Program Guidelines

Administrative and Operations Section

Action: Report by CWCB staff member Cole Bedford. A motion to approve the staff recommendation was made by Mike Camblin, which was seconded by Greg Felt. The motion was approved unanimously (9-0).

Staff Recommendation: Staff recommends the Board approve the attached Technical Assistance for Federal Cost-Share Program (Program) Guidelines, which will go into effect when funding becomes available after July 1, 2025.

Staff further recommends that the Board authorize the CWCB Director to approve all grant awards for the Program. This is consistent with the previously established approval process for the Program, but is also a deviation from CWCB Policy 25 – Approval of Grants.

19 Diane Hoppe Memorial Scholarship

Administrative and Operations Section

Action: Report by CWCB staff member Cole Bedford. 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 the Board approve a \$2,000 scholarship to Student 2.

20 Perkins County Canal Administration

Interstate, Federal, and Water Information Section

Action: Report by Jason Ullmann, Colorado State Engineer.

This is an informational item with no Board action required.

21 Litigation Fund Request

Interstate, Federal, and Water Information Section

Action: Report by CWCB staff member Amy Ostdiek. 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: CWCB recognizes that the Attorney General has identified a budget for Fiscal Year 2025-2026 totaling \$2,679,750 for litigation-related activities in FY 25-56 as follows:

- 1) Colorado River Basin: \$1,050,000
- 2) Republican River Basin: \$37,500
- 3) South Platte River Basin: \$536,000
- 4) Rio Grande Basin: \$831,250
- 5) Arkansas River Basin: \$225,000

In accordance with C.R.S Section 37-60-121(2.5)(b), CWCB also recognizes that the Attorney General's request will not exceed the balance of the fund and that the balance of the fund for FY 25-26 is \$2,000,000. CWCB further recognizes that an additional funding request from the Attorney General may be made to the CWCB in the amount of \$679,750, subject to approval by the General Assembly. CWCB Staff recommends that the Board authorize the expenditure of a total of \$2,000,000 in litigation-related activities in FY 25-26 with acknowledgement of consideration of an additional funding request by the Attorney General during FY 25-26 in the amount of \$679,750 if approved by the General Assembly.

ADJOURN

A motion to adjourn the May 2025 Board meeting was made by Greg Felt, which was seconded by Brad Wind. The motion was approved unanimously (9-0).