

IBCC Colorado River Basin

1. September 25, 2023 CBRT Roundtable Minutes. Presentation by Colorado River Commissioner Becky Mitchell: The Seven Irrefutable Truths of the Colorado River; The Law of the River and Colorado's interpretation of it

1. **Upcoming Meetings.**
 - a. October 1, 2023, WSRF grant application to the CWCB.
 - b. October 30, 2023, CBRT Roundtable Next Steps meeting Colorado River District Office
 - c. November 6 or 7, 2023, West Slope Roundtable Summit, Ute District Office.
2. Recorder: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, ken@kenransford.com.
3. Today's September 25, 2023, meeting was conducted by Zoom and not held in person at the Colorado River District Office.
4. **CBRT Roundtable Members Present:** Paul Bruchez, Stan Cazier, Kathy Chandler-Henry, Carlyle Currier, Kelly McNicholas Curry, Kirsten Kurath, Diane Johnson, Merrit Linke, April Long, Ed Moyer, Ken Ransford, Charlie Spickert, Jason Turner, Greg Williams
5. **Guests:** Peggy Bailey, Jeff Bandi Denver Water, Anna Drexler Driess PEPO Coordinator, Ashley Garrison CWCB Water Plan Grants, Brendon Langenhuizen Colorado River District, Becky Mitchell Colorado River Commissioner, Rick McNeill, Ed Olszewski, Amy Ostdiek Colorado Atty General, Maria Pastore, Sam Potter, Jeff Rodriguez CWCB, Wendy Ryan, Heather Sackett Aspen Journalism, Robert Sakata CWCB Board, Russ Sands Denver Water, Lisa Tasker Pitkin County Healthy Rivers and Streams, Richard Vangytenbeek Colorado Trout Unlimited
6. **River Forecast.** The Colorado River at Dotsero gage is at 650 cfs, below the 1,100 median cfs for this date.¹ The Colorado River is flowing **1,360 cfs at Cameo**, about **90% of the median flow** of 1,500 cfs on this date.²
7. **September CWCB Update, Jeff Rodriguez**
 - a. Lauren Ris has been selected as the new CWCB director by the CWCB Board, effective August 22, 2023.
 - b. WSRF Application deadline of October 1, 2023. **The annual WSRF Grant disbursement will be made October 2, 2023, in the amount of \$300,000** for

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

each basin, unless a basin has reached the \$750,000 cap; if so, that basin will have surplus funds that will be shared among other roundtables that have not reached the \$750,000 cap.

- c. The \$300,000 annual award is not dependent on severance tax revenues.
 - d. **Wildfire Readiness Grant applications are being accepted through 2026, or when funds run out.**
 - e. The updated *Climate Change in Colorado* report is being finalized this fall.
 - f. There will be a **Basin Roundtable C-9 Summit at the Westin Hotel in Westminster in November.**
 - g. The CWCB has **Technical Assistance Fund to assist in preparing grant applications**—Grant applications must be made by **December 31, 2024**, and the money must be spent by December 31, 2026. \$2.5m is available for entities to contract with a CWCB contractor to take grants from idea phase to written application; a second \$2.5m bucket is to pay contractors to help write grants.
8. West Slope Roundtable Summit is being planned for prior to the C9 summit for November 6 or November 7, at the Ute Water office in Grand Junction.
- a. John Carron will update the Colorado River Risk study.
 - b. Commissioner Becky Mitchell will present on Colorado River issues.
9. The following **CBRT Roundtable positions unfilled**:
- a. Aspen municipal
 - b. Gunnison County and municipal
 - c. Industrial representative
 - d. Summit County- Zack Margolis has retired.
10. Discussion of WSRF Grant Guidelines
- a. Limit this to WSRF grants
 - b. Post a brief summary of grant application procedures on the CBRT website
 - c. Water Funding navigator
 - d. PEPO \$25,000 grant can only be applied for by the Roundtable.
 - e. Link to other grant programs: https://docs.google.com/spreadsheets/d/e/2PACX-1vQVmVJW2huhKOOzvPbFT9IK5_5f5Tj7N7fFJux-6acre-feetwjEnH5B4_52H_AvzGQm-CKZ7xKvpovsNeSVTI/pubhtml

- f. Grant committee: April Long recommends 6 members.
 - g. **Applicants should contact Ben Wade or Jeff Rodriguez at the CWCB when formulating grant requests.**
 - h. Ken proposed **two grant cycles in the spring and fall.**
 - i. Jeff Rodriguez agreed with the two proposed grant cycles.
 - ii. Jeff recommends that funds approved at the September CBRT meeting would be applied against the following year's grant cycle.
 - iii. The full grant application should be submitted to the Next Steps committee when it recommends a grant for approval.
 - i. The Next Steps Committee will meet October 30, and it will be the de facto grants committee. Any roundtable members can attend Next Steps meetings, but the grants committee will vote on whether to submit grants to the CBRT Roundtable for approval.
 - j. **Jeff Rodriguez said most roundtables have a schedule** similar to the one that Ken presented.
 - k. **Initial Roundtable grant committee members include:**
 - i. Richard Vangytenbeek
 - ii. April Long
 - iii. Kirsten Kurath
 - iv. Charles Spickert
 - v. Ken Ransford
11. Water Plan Grants
- a. **Ashley Garrison**, Ashley.garrison@state.co.us of the CWCB attended the meeting. She lives in Summit County, and attends CBRT meetings online. **Ashley is one of the 4 regional coordinators that administer Colorado Water Plan grants.** She can assist with Colorado Water Plan grant questions.
 - b. Applicants should **contact Ashley before submitting a Colorado Water Plan grant request.**
 - c. **The Colorado Water Plan funds the development of Stream Management Plans, but not ongoing management of the plan once it is adopted.**
12. **Anna Drexler Dreis, coordinator of Learning by Doing** which addresses low flows on the Upper Colorado River in Grand and Eagle Counties, discussed their CWCB Water Plan grant application. **The grant was not awarded because coordination support**

does not align with Colorado Water Plan grants. CWCB suggested that Anna reach out for a WSRF Grant to implement the Grand County Stream Management Plan.

- a. **The Grant would be used to implement the Stream Management Plan**—coordinating water releases, administering the water monitoring program, implementing on-the-ground projects, and updating the Stream Management Plan. This was previously funded by the Stream Management Plan grant.
- b. They have funding for 8-10 months. If they are approved by the CBRT, the grant should be approved by the CWCB at its July 2024 meeting.
- c. **April Long said that Stream Management Plans are one of the highest priorities in the Colorado Water Plan**, and she is disappointed that the Colorado Water Plan grants cannot pay for Stream Management Plan administration.
- d. Stream Management Plans can be funded by Colorado Water Plan grants including plan updates, but **ongoing program management is not something that the CWCB funds.**
- e. **Merritt Linke** supports Learning by Doing, and said that Grand County is the most heavily diverted county in the state. **He said the Stream Management Plan is very important and it needs ongoing funding.**

13. Amy Ostdiek, CWCB, report

- a. **The System Pilot Conservation Program**, which pays landowners to limit irrigation, has been **authorized for 1 more year.**
- b. They are now focusing on **how to determine conserved consumptive** use.

14. Anna Drexler Dries, **PEPO update**

- a. Anna is requesting newspaper article ideas.
- b. To support events, **\$4,000 was awarded to 4 groups.** This was advertised through the Colorado Basin Roundtable Facebook, and includes the following grants.
 - i. \$1,000 to **Roaring Fork Conservancy** for annual river float.
 - ii. \$750 **Eagle County Flyfishing Council**
 - iii. \$750 **Blue River Watershed Group**
 - iv. \$1,000 **Middle Colorado Watershed Council**
- c. The next PEPO \$25,000 grant application is due June 1, 2024.

- i. This is not just for the CBRT Roundtable; it is for a coordinator but not necessarily tied to the CBRT.
 - d. In the 2023 grant cycle, \$2,000 is for 2 events, and \$2,000 is for water festivals.
 - e. **The 2022 grant cycle ends November 30. We have money left to spend.**
15. Website administrator: the technical facilitator is Bryan and he lives in Arizona.
- a. Anna Drexler Dries has experience loading data to the website.
 - b. **Anna agrees to be the coordinator for loading information to the website.**
16. Crystal River Augmentation Study update, Wendy Ryan.
- a. **In 2018 there was a senior irrigation call by the Ella ditch for approximately 45 acre-feet, and water rights with priority after 1902 were out of priority.** Given current precipitation and runoff, this is **likely to recur in the future.** The augmentation needed is 45 acre-feet. The replacement needs to be made above the Ella Ditch.
 - b. **When the Ella Ditch calls, it dries up the Crystal River.**
 - c. **Mainstem storage (i.e., dams) was not considered to be a viable option.**
 - d. The Sweet Jessup is the highest diversion on the river; **Wild and Scenic River designation is proposed for the Crystal River upstream of the Sweet Jessup diversion.**
 - e. A permanent solution is desired in order to augment existing diversions so that 45 additional acre-feet can be identified.
 - f. Instream flow analysis: **The only time the 4 instream flows on the Crystal River are met is during peak runoff in May and June.** We cannot augment river flows by exchanging water rights during August-October. Due to the decreed water rights and instream flow rights, **there is no water available for exchange.**
 - g. Wendy is studying what consumptive demands must be replaced.
 - h. Many well permits on the Crystal date before 1970 and are solely for interior household use.
 - i. **4 Regions have well rights that total 100 acre-feet.**
 - ii. **Beaver Lake, about 30 surface acres, owned by CPW, is a possible source. However, it evaporates 80 acre-feet per year.**

- i. Potential supplies:
 - i. **Janeway property on Forest Service land—attempt to reconnect the floodplain with an aquifer recharge project.** This is accomplished by putting water in priority on this land, and as return flows return to the river they can be claimed as augmentation credit. This was the most promising.
 - 1) They do not know how quickly the return flows return to the river; they are requesting authorization from the Forest service to test for this.
 - 2) Typically alluvial aquifer would deliver 50,000 to 150,000 gallons per day; Wendy used 20,000 gallons per day for her analysis.
 - ii. Use Beaver Lake as an augmentation supply: it is not clear if they can use this site. Beaver Pond has never been used for augmentation before, but it could be used for this.
 - iii. Rapid Creek—this site could develop a pond to yield 40 acre-feet.
 - iv. New pond upstream of Marble that could deliver 5-10 acre-feet.
- j. **Sample solutions rely on storing water in these 4 sites.**
 - i. Leave 20 acre-feet in Beaver Pond
 - ii. Put 10 acre-feet/month in Janeway April thru June.
 - iii. Upper Basin Pond: 12 acre-feet.
 - iv. Rapid Creek 5 acre-feet
- k. **Sum: They have identified 4 structures that could serve to augment flows, and are continuing to do feasibility studies** and are raising money to make improvements to provide augmentation water.
- l. Growth on the Crystal is continuing.
- m. How do you meet a call in the winter with a pond? Could the pond freeze? Yes, but you could have a low elevation outlet that would permit releases.
- n. Kelly McNicholas Curry, Pitkin County Commissioner, asked:
 - i. Did they look at ISF administration history? No; they looked at stream gage records that showed when calls could be placed.

- ii. Regarding the potential ponds, were they identified in the Water Plan? Wendy said they do not want to expand Beaver Lake, they just looked into whether they could use it.
- iii. What is the West Divide's business model for future development? It will be expensive to develop the water supplies, and to go to water court to get them decreed. The well permit is issued when a feasible augmentation plan is provided.
- o. **Ken Ransford** asked how many acre-feet were needed and Wendy said only 45. **He asked if irrigation diverters were contacted to switch to sprinkling in order to provide this water.** Brendon Langenhuizen said the irrigators do not have to do this.
 - i. **The average acre-feet diverted** from 1955 to 1993 by the top 12 ditches on the Crystal River was 82,305 acre-feet, and **from 1993 to 2014**, the average annual diversion by these ditches **was 61,892 acre-feet**. 45 acre-feet is .05% and .07% of these diversion amounts.
 - ii. **In 2014, 78% of the fields on the Crystal River were flood irrigated.**
- p. **Lisa Tasker** said there has only been 1 call, and we are depleting more water out of the Crystal River. She said that instream flows were often not getting met.
 - i. Lisa thinks it is a difficult political conversation, but **some day we are going to have to address the amount of water diverted for irrigation** compared to the 45 acre-foot shortage.