

LONGMONT WATER BOARD AGENDA

Monday, January 27, 2020

Service Center
1100 South Sherman Street
Longmont, CO 80501
3:00 pm – Water Conference Room

1. ROLL CALL
2. APPROVAL OF PREVIOUS MONTH'S MINUTES
 - a. December 16, 2019 – Water Board Regular Meeting
3. WATER STATUS REPORT
4. PUBLIC INVITED TO BE HEARD AND SPECIAL PRESENTATIONS
 - a. Introduction of Macie May with Longmont Public Media
5. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS
6. DEVELOPMENT ACTIVITY
 - a. Development Activity Requiring Water Board Action
 - i. Prairie Village Filing No. 8

Development Activity Submitted for Water Board Information Only
 - i. None
7. GENERAL BUSINESS
 - a. Designation of Posting Place for Board Meeting Notices (Proposed motion designating the bulletin board located in the Water/Wastewater Administration Building reception area as the official Water Board agenda posting place for public meeting notification) Staff Contact: Wes Lowrie 303-651-8814, wes.lowrie@longmontcolorado.gov
 - b. Monthly Legislative Report (Staff will provide Water Board an update regarding 2020 water related legislative reports, and possibly ask for a recommendation on select legislation) Staff Contact: Ken Huson 303-651-8340, ken.huson@longmontcolorado.gov

8. ITEMS FROM STAFF

- a. Windy Gap Firming Project Update (Staff will provide Water Board with a verbal update on this Project) Staff Contact: Ken Huson 303-651-8340, ken.huson@longmontcolorado.gov
- b. Monthly Water Supply Update (Staff will provide Water Board with an update regarding Longmont's current and projected water supply) Staff Contact: Wes Lowrie 303-651-8814, wes.lowrie@longmontcolorado.gov

9. ITEMS FROM BOARD

- a. Review of Water Board By-Laws and Guiding Water Principles
- b. Review of Major Projects Listing and Items Tentatively Scheduled for Future Board Meetings

10. INFORMATIONAL ITEMS AND WATER BOARD CORRESPONDENCE

11. ADJOURN

If you need special assistance to participate in a Water Board meeting, please contact Heather McIntyre at 303-651-8817 in advance of the meeting to make arrangements.

WATER BOARD MINUTES

December 16, 2019

Service Center Conference Room
1100 S. Sherman Street
Longmont, CO 80501

REGULAR MEETING

The December 16, 2019 meeting of the Longmont Water Board was called to order by Chair Todd Williams at 3:00 pm at the Service Center Water Conference Room.

ROLL CALL

Board Members Present: Todd Williams, Kathy Peterson, John Caldwell, and Roger Lange

Board Members Excused: Renee Davis

City Staff Members Present: Ken Huson, Wes Lowrie, Nelson Tipton, Kevin Boden, Jason Elkins, Francie Jaffe, John Gage, and Heather McIntyre

Staff member David Bell arrived at 4:24 pm.

Council Liaison Present: Marcia Martin

1. DETERMINATION OF A QUORUM

There was a quorum present with four board members in attendance.

2. APPROVAL OF PREVIOUS MONTH'S MINUTES

Chair Williams asked if there were any questions or comments on the November 18, 2019 meeting minutes. Board member Caldwell noted that Council Liaison Marcia Martin's name was missing from the Roll Call and requested that the minutes be amended to reflect her excused absence. **A motion was made by Board member Caldwell to approve Water Board's November 18, 2019 minutes as amended; the motion was seconded by Board member Lange. The motion passed 4-0.**

3. WATER STATUS REPORT

Staff member Tipton gave the current water status report. The flow of the St. Vrain at the Lyons gage at 8 am today was 16.9 cfs, with an historical average of 18 cfs for this date.

Ralph Price Reservoir at Button Rock Preserve is currently at an elevation of 6,395.4 feet, equaling 15,196 acre-feet, down approximately 1,000 acre-feet from full. Currently there are 20 cfs being released from Ralph Price Reservoir.

Union Reservoir is at an elevation of 21.52 feet, equaling 8,400 acre-feet, down approximately 4,300 acre-feet. Currently, there are 10 cfs being released from Union Reservoir.

The call on the Main Stem is a free river below the Littleton Boat Chute #9, within District 8. The call on the St. Vrain Creek is McIntosh Reservoir, Admin #19271, with a priority date of 10/8/1902.

Though still early in the season, Staff member Tipton provided current snowpack information from the end of November. The Upper Colorado River snowpack is at 129% of average; the South Platte River Basin snowpack is at 143% of average; and statewide, the snowpack is at 131% of average.

4. PUBLIC INVITED TO BE HEARD AND SPECIAL PRESENTATIONS

Staff member Ken Huson introduced Staff member John Gage, a Civil Engineer in the City's Water Quality Division. He is currently managing the Renewable Natural Gas (RNG) Facility construction project, where off-gases from the wastewater treatment plant will be converted to fuel for the City's sanitation trucks. Since he also works on process engineering for the water treatment plant, John was invited to the meeting to answer any questions related to the water treatment process.

Councilmember Martin asked Staff member Gage about the amount of biogas the new facility would be able to produce. He stated that energy content of the biogas would equal approximately 100,000 to 150,000 gallons per year, which would cover the fuel needs for the City's sanitation fleet.

5. AGENDA REVISIONS AND SUBMISSION OF DOCUMENTS

None

6. DEVELOPMENT ACTIVITY

There was no development activity.

7. GENERAL BUSINESS

A. Cash-in-Lieu Review

Staff member Lowrie reminded the Board of City Council's approved Resolution R-2019-78 establishing the fee for cash-in-lieu of water right received at the current rate of \$16,840.00 per acre-foot.

The Board reviewed and discussed the current cash-in-lieu rate. The cost per acre-foot for the Windy Gap Firming Project, Union Enlargement & Pump Back Pipeline, and

Button Rock Enlargement have all been adjusted for the Bureau of Reclamation's construction cost index. The current confirmed transactions are consistently increasing.

After further discussion, Board member Caldwell moved to recommend that City Council set the cash-in-lieu rate at \$17,683 per acre-foot, the cost of the Windy Gap Firing Project. Board member Peterson seconded the motion. The motion passed 4-0.

B. Proposed Change to the Raw Water Requirement Policy

Staff member Huson reviewed a table from the 2019 Water Demand Evaluation, focusing on the demand variability assumptions for high water industrial users. A demand calculation of 1,200 acre-feet of water was set aside in both the 2012 and 2019 Evaluations, though the 2019 Evaluation adopted by City Council now allows for a mixed use of the 1,200 acre-feet (400 AF for affordability and 800 AF for economic development). Language in the municipal code needs to be updated to reflect these changes. Further discussion followed.

A motion was made by Board member Caldwell to recommend that City Council approve revisions to Chapter 14.09 of the Longmont Municipal Code on the Raw Water Requirement Policy.

Board member Lange asked for clarification on the recommendation that would go to Council. Chair Williams clarified the recommendation to Council and further discussion ensued.

Board Member Lange seconded the motion; the motion passed 4-0.

8. ITEMS FROM STAFF

A. Water Resources Engineering Projects Report

Staff member Jason Elkins shared an update with the Board on repair work that has been done on the North and South Saint Vrain Raw Water Supply Pipelines. Repairs on Tunnels #1 & #2 of the north pipeline are now complete. Contractors filled and re-sealed the concrete around the pipes and cleaned inside the pipes as well.

Because the South Pipeline was damaged during the 2013 Flood, it has been out of commission since that time. The City is working with the contractors to evaluate that pipeline; once assessed the contractors will make repair the damage. The City intends to line the entire South Pipeline as part of that project and hopes to bring it back online in summer 2020. It is an important part of the raw water system supply, particularly in the winter months. The City has some FEMA dollars left over from the hazard mitigation from the 2013 Flood, and is looking to use those funds to cover as much of the cost of this project as possible.

Discussion among the Board and Staff ensued.

9. ITEMS FROM BOARD

A. Review of Major Project Listing

A review of major project listing was provided in the agenda packet.

10. INFORMATIONAL ITEMS AND WATER BOARD CORRESPONDENCE

A. Update on Water Board’s Memo to Council

Chair Williams reported that the Water Board’s memo to Council was included as an informational item in the December 3, 2019, Council packet. Chair Williams attended that Council meeting, spoke to them during the Public Invited to Be Heard portion, and answered a few questions from Council members. The 2nd Reading of the water rates item passed as presented.

Staff member Huson reviewed his Windy Gap Firing Project presentation to Council for the December 17, 2019, meeting. The presentation included information on two separate agreements for Council’s consideration at that meeting.

Staff member David Bell arrived at 4:24 pm.

11. ITEMS TENTATIVELY SCHEDULED FOR FUTURE BOARD MEETINGS

The next cash-in-lieu review is scheduled for the March 2020 meeting.

12. ADJOURN

There being no further business to come before Water Board, Chair Williams adjourned the meeting at 4:27 pm.

The next regular meeting of the Longmont Water Board will be held on January 27, 2020, at 3:00 pm at the Service Center, 1100 South Sherman Street, Longmont, CO 80501.

Todd Williams, Water Board Chair

Date

Heather McIntyre, Recording Secretary

Date



WATER BOARD

LONGMONTCOLORADO.GOV

Meeting Date: **January 27, 2020**

Item Number: **6**

Type of Item: **Development Activity**

From: **Wes Lowrie, Water Resources Analyst, 303-651-8814**
wes.lowrie@longmontcolorado.gov

As the Board will recall, City Council approved Ordinance O-2012-73 on October 23, 2012, which requires Water Board action during annexation review and when further raw water deficit satisfaction is required pursuant to a particular development activity. Listed below are two development activity categories: Development Activity Requiring Water Board Action and Development Activity Submitted for Water Board Information Only.

- 6a Development Activity Requiring Water Board Action
 - i) Prairie Village Filing No. 8

- 6b Development Activity Submitted for Water Board Information Only
 - i) None

Prairie Village Filing 8 Final Subdivision Plat (#3258-9)
Packet Information for Water Board Review
January 27, 2020

DESCRIPTION

Prairie Village Filing 8 Final Subdivision Plat is a 7.01 acre parcel located south of Highway 66 and west of Alpine Street. It is a final plat of a portion of Heartland Annexation.

HISTORIC WATER RIGHTS

All historic water rights consisting of 3.250 shares in the Rough & Ready Irrigation Ditch Company, 2.500 shares in the Pleasant Valley Reservoir Fish & Ditch Company, and 50 Units of Colorado Big Thompson Project water were transferred to the City at time of annexation.

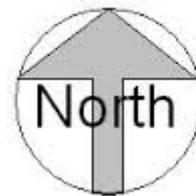
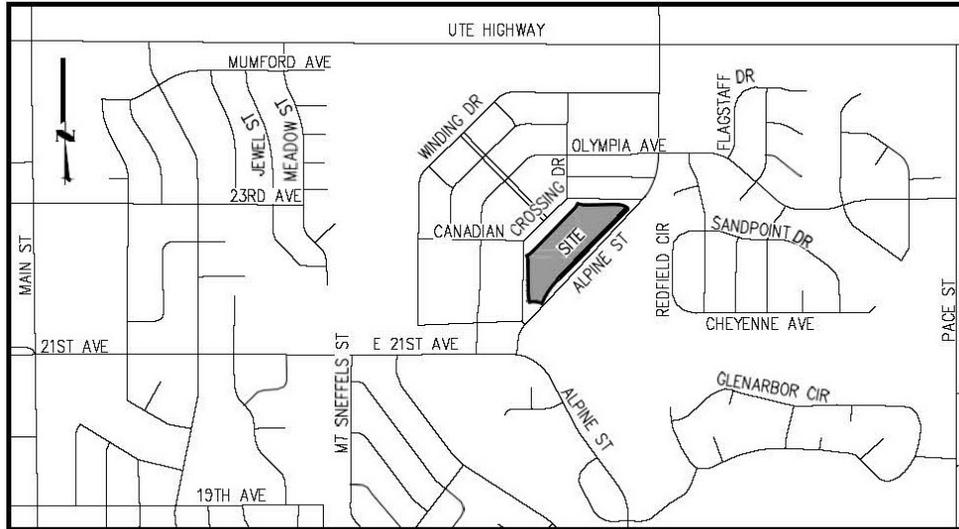
RAW WATER REQUIREMENT POLICY

The full 7.010 acres are subject to the full requirements of the Raw Water Requirement Policy. After application of the historic water rights a deficit of 5.096 acre feet or 0.727 of an acre foot of water per acre remains in the direct flow requirement, and a deficit of 1.016 acre feet or 0.145 of an acre foot of water per acre of land remains in the storage requirement. The total raw water deficit for Prairie Village Filing 8 Final Subdivision Plat is 6.112 acre feet or 0.872 acre feet of water per acre of land.

POLICY COMPLIANCE

Prairie Village Filing 8 Final Subdivision Plat will be in compliance with the City's Raw Water Requirement Policy upon satisfaction of the 6.112 acre feet raw water deficit at time of final plat approval.

Prairie Village Filing No. 8





WATER BOARD

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Meeting Date: January 27, 2020

Item Number: 7a

Subject: Designation of Posting Place for Board Meeting Notices

Type of Item: General Business

From: Wes Lowrie, Water Resources Analyst, (303) 651-8814
wes.lowrie@longmontcolorado.gov

Suggested Action: Motion Designating the Official Posting Place for Water Board Agendas for 2020

Pursuant to Section 24-6-402 (2c), C.R.S., commonly referred to as the “Colorado Sunshine Law”, Water Board must designate the official location for posting of all meeting notices on an annual basis. This section specifically states:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

Water Board will recall that last year the official location was determined to be the Service Center reception area as the official Water Board agenda posting place for public meeting notification. Staff recommends the Board consider again recommending the Service Center reception area as the official Water Board agenda posting place for public meeting notification for 2020 or alternatively the Board’s web-page located at <http://longmontcolorado.gov/departments/boards-committees-and-commissions/directory-of-boards-committees-and-commissions/water-board>

Attachments: Summary publication for open meeting requirements of the Colorado Sunshine Law.

Colorado Sunshine Law

The Colorado Sunshine Law generally requires that any state or local governmental body that meets to discuss public business or to take formal action do so in meetings that are open to the public. Under the law (§ 24-6-402, C.R.S.), "meeting" refers to any kind of gathering, convened to discuss public business, whether in person, by telephone, electronically, or by other means of communication. Electronic mail messages can be considered "meetings" under the statute. The statute does not apply to chance meetings or social occasions where public business is not the central purpose of the meeting.

All meetings of two or more members of any state public body where any public business is discussed must be open to the public. This definition includes in person, telephone, or electronic communications. The law states that a gathering of a quorum or three or more individuals of a local body constitutes a meeting. The law also explicitly states that emailed messages discussing pending actions constitutes meetings and are subject to the law.

The Law defines government body as all branches of state and local government including all boards, commissions, etc. It also includes non-profit and private corporations who receive state funding and any bodies who have been granted decision-making authority.

Notice Requirements

A meeting notice must be posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The designated place for posting the notice is identified each year at the first regular meeting of each calendar year. Agenda information should be included when possible.

Meeting Process

Minutes of all public meetings must be taken and open to public inspection. Executive session minutes must reflect the discussion topics of the executive session. Executive sessions, except for sessions involving material that would fall under the attorney-client privilege, must be recorded using audio or video recording methods. Records of executive sessions can be requested for an in camera review if there is probable cause that the executive session discussed topics that were not subject to closed meetings. Records of executive sessions must be maintained for 90 days.

Executive Sessions

The Law allows for executive sessions to be called by a 2/3 vote within an open meeting to consider the following topics:

the purchase or sale of property;

anything subject to the attorney-client privilege exemption;

matters that are subject to state or federal statutes requiring concealment;

labor negotiations;

discussions of employee dismissal, discipline, promotion, demotion, or compensation are open unless the employee specifically requests an executive session and is still subject to a vote by the board in question;

security details; and

discussions of any records exempted under the Colorado Open Records Act.

If Violated

State courts have jurisdiction to enforce the Colorado Sunshine Law for open meetings. In cases where the court finds a violation occurred, the court can award the plaintiff costs and reasonable attorney fees. If the court does not find a violation occurred, it can award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless. The state determined that the court may also invalidate decisions at illegal meetings, stating "No resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements."



WATER BOARD

LONGMONTCOLORADO.GOV

Meeting Date: January 27, 2020

Item Number: 7a

Subject: Update on 2020 Water Legislation

Type of Item: General Business

From: Ken Huson, Water Resources Manager, 303-651-8340
ken.huson@longmontcolorado.gov

Suggested Action: Staff will ask Water Board for a recommendation on HB 20-1097.

The Second Regular Session of the Seventy-second Colorado General Assembly convened on January 8, 2020, and is scheduled to adjourn on May 6, 2020. Each month during the 2020 Legislative Session, staff will provide Water Board with the current water related Legislation Bills that Longmont is tracking. Status on these bills will be discussed with Water Board at its January 27, 2020 regular meeting.

One bill of particular interest is House Bill 20-1097. This bill is describes as follows:

A BILL FOR AN ACT CONCERNING THE ABILITY TO USE WATER THAT HAS BEEN ADJUDICATED FOR MUNICIPAL USE IN AN INTERCONNECTED TREATED MUNICIPAL WATER SUPPLY SYSTEM IF THE HISTORICAL CONSUMPTIVE USE OF THE WATER RIGHT HAS ALREADY BEEN QUANTIFIED IN A PREVIOUS CHANGE OF THE WATER RIGHT.

Staff is recommending support of this bill as it would allow for easier administration of the interconnected systems for the City. The entire text of the bill is attached.

For additional Legislative information visit Water Board's web page located at <http://longmontcolorado.gov/departments/boards-committees-and-commissions/directory-of-boards-committees-and-commissions/water-board>. From this page the Board can access the Prior Water Board Legislative Communications, City Managers' Legislative Affairs web page, Legislative Guiding Water Principles, and a link to the Colorado General Assembly home page.

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0369.01 Thomas Morris x4218

HOUSE BILL 20-1097

HOUSE SPONSORSHIP

Young and Arndt,

SENATE SPONSORSHIP

(None),

House Committees
Rural Affairs & Agriculture

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY TO USE WATER THAT HAS BEEN
102 ADJUDICATED FOR MUNICIPAL USE IN AN INTERCONNECTED
103 TREATED MUNICIPAL WATER SUPPLY SYSTEM IF THE
104 HISTORICAL CONSUMPTIVE USE OF THE WATER RIGHT HAS
105 ALREADY BEEN QUANTIFIED IN A PREVIOUS CHANGE OF THE
106 WATER RIGHT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law limits the place of use of water subject to a changed

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

water right that has been decreed for use in a treated domestic or municipal water supply system to only that system. The bill authorizes the use of that water in an interconnected treated domestic or municipal water supply system if:

- ! The water is attributable to a water right for which the historical consumptive use has previously been quantified, diverted from a point of diversion that has already been decreed for that water right, and delivered from the decreed treated system to the interconnected treated system without the water being returned to the natural stream; and
- ! The owner of the water right has given written notice to the division engineer that identifies the proposed accounting for the use of the water right and the division engineer has approved the accounting.

The owner of the water right must give notice to all persons on the substitute water supply plan notification list for the applicable water division. The division engineer will review any comments received on the proposed accounting and make a determination whether the accounting is adequate. This determination may be appealed to the water judge. Other than the place of use, all of the terms and conditions of the previous change of water right decree continue to apply to the water right. A claim to any return flows from the use of the water right in the interconnected treated domestic or municipal water supply system must be approved by the water judge.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-92-312 as
3 follows:

4 **37-92-312. Use of previously changed municipal water rights**

5 **- definitions.** (1) SUBJECT TO ALL REQUIREMENTS SPECIFIED IN THIS
6 SECTION, WATER THAT MAY BE USED IN THE TREATED DOMESTIC OR
7 MUNICIPAL WATER SUPPLY SYSTEM FOR WHICH IT IS DECREED MAY ALSO
8 BE USED IN AN INTERCONNECTED SYSTEM IF:

9 (a) THE WATER IS:

10 (I) ATTRIBUTABLE TO A WATER RIGHT:

11 (A) THAT HAS BEEN DECREED FOR DOMESTIC OR MUNICIPAL

1 WATER SUPPLY USE; AND

2 (B) FOR WHICH A PREVIOUS CHANGE OF WATER RIGHT HAS BEEN
3 JUDICIALLY APPROVED AND THE HISTORICAL CONSUMPTIVE USE WAS
4 PREVIOUSLY QUANTIFIED;

5 (II) DIVERTED FROM A POINT OF DIVERSION THAT HAS ALREADY
6 BEEN DECREED FOR THAT WATER RIGHT; AND

7 (III) TREATED AND DELIVERED FROM THE DECREED TREATED
8 DOMESTIC OR MUNICIPAL WATER SUPPLY SYSTEM TO THE
9 INTERCONNECTED SYSTEM WITHOUT THE WATER BEING RETURNED TO THE
10 NATURAL STREAM; AND

11 (b) (I) BEFORE USING THE WATER IN AN INTERCONNECTED SYSTEM,
12 THE OWNER OF THE WATER RIGHT GIVES WRITTEN NOTICE BY FIRST-CLASS
13 MAIL OR ELECTRONIC MAIL TO THE DIVISION ENGINEER AND TO ALL
14 PARTIES WHO HAVE SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN
15 NOTIFICATION LIST, AS DESCRIBED IN SECTION 37-92-308 (6), FOR THE
16 WATER DIVISIONS IN WHICH THE WATER RIGHT IS LOCATED AND IN WHICH
17 IT WILL BE USED, IDENTIFYING THE WATER RIGHT, THE INTERCONNECTED
18 SYSTEM, THE DECREED POINT OF DIVERSION, AND HOW THE USE OF THE
19 WATER IN THE INTERCONNECTED SYSTEM WILL BE ACCOUNTED FOR; AND
20 ALL SUCH PARTIES HAVE THIRTY-FIVE DAYS AFTER THE DATE OF MAILING
21 OF THE NOTICE TO FILE COMMENTS ON THE ACCOUNTING FOR THE USE OF
22 THE WATER IN THE INTERCONNECTED SYSTEM; AND

23 (II) THE DIVISION ENGINEER, HAVING CONSIDERED COMMENTS
24 FROM PARTIES SUBSCRIBED TO THE SUBSTITUTE WATER SUPPLY PLAN
25 NOTIFICATION LIST FOR THE WATER DIVISIONS IN WHICH THE WATER RIGHT
26 IS LOCATED AND WILL BE USED, APPROVES THE ACCOUNTING FOR THE USE
27 OF THE WATER IN THE INTERCONNECTED SYSTEM.

1 (2) (a) ANY APPEAL OF A DECISION MADE BY THE DIVISION
2 ENGINEER CONCERNING THE ACCOUNTING FOR THE USE OF THE WATER IN
3 THE INTERCONNECTED SYSTEM MUST BE FILED WITH THE WATER JUDGE OF
4 THE APPLICABLE WATER DIVISION WITHIN THIRTY-FIVE DAYS AFTER THE
5 DATE OF SERVICE OF THE DECISION. THE WATER JUDGE SHALL HEAR AND
6 DETERMINE THE APPEAL ON AN EXPEDITED BASIS USING THE PROCEDURES
7 AND STANDARDS SET FORTH IN SECTIONS 37-92-304 AND 37-92-305 FOR
8 DETERMINATION OF MATTERS REREFERRED TO THE WATER JUDGE BY THE
9 REFEREE.

10 (b) NEITHER THE APPROVAL NOR THE DENIAL BY THE DIVISION
11 ENGINEER CREATES ANY PRESUMPTIONS, SHIFTS THE BURDEN OF PROOF, OR
12 SERVES AS A DEFENSE IN ANY LEGAL ACTION THAT MAY BE INITIATED
13 CONCERNING THE APPROVAL OR DENIAL.

14 (3) (a) OTHER THAN THE PLACE OF USE, ALL OF THE TERMS AND
15 CONDITIONS OF THE PREVIOUS CHANGE OF WATER RIGHT DECREE
16 CONTINUE TO APPLY TO THE WATER RIGHT.

17 (b) A CLAIM TO USE ANY RETURN FLOWS FROM THE USE OF THE
18 WATER RIGHT IN THE INTERCONNECTED SYSTEM THAT IS DIFFERENT FROM
19 WHAT HAS BEEN PREVIOUSLY DECREED MUST BE APPROVED BY THE WATER
20 JUDGE OF THE APPLICABLE WATER DIVISION.

21 (4) AS USED IN THIS SECTION:

22 (a) "INTERCONNECTED" MEANS HAVING SHARED INFRASTRUCTURE
23 OR SHARING ONE OR MORE POINTS OF PHYSICAL CONNECTION BETWEEN
24 THE TREATED DOMESTIC OR MUNICIPAL WATER SUPPLY SYSTEMS SO THAT
25 WATER THAT HAS BEEN DIVERTED FROM THE NATURAL STREAM AND THAT
26 HAS BEEN TREATED CAN BE DELIVERED FROM ONE SYSTEM TO ANOTHER
27 WITHOUT THE WATER BEING RETURNED TO THE NATURAL STREAM.

1 (b) "INTERCONNECTED SYSTEM" MEANS AN INTERCONNECTED
2 TREATED DOMESTIC OR MUNICIPAL WATER SUPPLY SYSTEM.

3 **SECTION 2.** In Colorado Revised Statutes, 37-92-103, **amend**
4 (5)(a) as follows:

5 **37-92-103. Definitions.** As used in this article 92, unless the
6 context otherwise requires:

7 (5) "Change of water right":

8 (a) Means a change in the type OF USE, place OF USE EXCEPT AS
9 SPECIFIED IN SECTION 37-92-312, or time of use; a change in the point of
10 diversion except as specified in section 37-86-111 (2); a change from a
11 fixed point of diversion to alternate or supplemental points of diversion;
12 a change from alternate or supplemental points of diversion to a fixed
13 point of diversion; a change in the means of diversion; a change in the
14 place of storage except as specified in section 37-87-101 (3); a change
15 from direct application to storage and subsequent application; a change
16 from storage and subsequent application to direct application; a change
17 from a fixed place of storage to alternate places of storage; a change from
18 alternate places of storage to a fixed place of storage; or any combination
19 of such changes; and

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 5, 2020, if adjournment sine die is on May 6,
24 2020); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2020 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to conduct occurring on or after the applicable
4 effective date of this act.



WATER BOARD

LONGMONTCOLORADO.GOV

Meeting Date: January 27, 2020

Item Number: 8b

Subject: Water Supply Update

Type of Item: Item from Staff

From: Wes Lowrie, Water Resources Analyst, (303) 651-8814
wes.lowrie@longmontcolorado.gov

Suggested Action: Review and comment

Attached is the January 1, 2020 District 5 reservoir storage chart, January 1 2020 water supply outlook report for the South Platte River and Colorado River, the South Platte River and Colorado River basin snow water equivalent graphs, and the Northern Water SnoWatch information for the St. Vrain River Watershed Basin. Web-links to this information include the following:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/co/snow/waterproducts/basin/>

https://www.nrcs.usda.gov/wps/portal/nrcs/detail/co/snow/products/?cid=nrcs144p2_063318

<http://www.northernwater.org/WaterProjects/SnoWatch.aspx?BasinID=6&SubTabID=0>

Additionally a new USDA interactive snow survey chart website can be found at:

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/co/snow/>

Staff will discuss this information with the Board along with Longmont's current and projected water supplies during its regularly scheduled January 27, 2020 meeting.

Colorado

Water Supply Outlook Report

January 1, 2020



Snowmobiling can be tough sometimes. Fortunately, Snow Survey Hydrologist, Joel Atwood was not injured during this trip into the Buffalo Park SNOTEL thanks to the abundance of soft new snow. Buffalo Park had 7.9 inches of snow water equivalent on January 1st, which is 141 percent of the median for this date.

Photo By: Zack Wilson

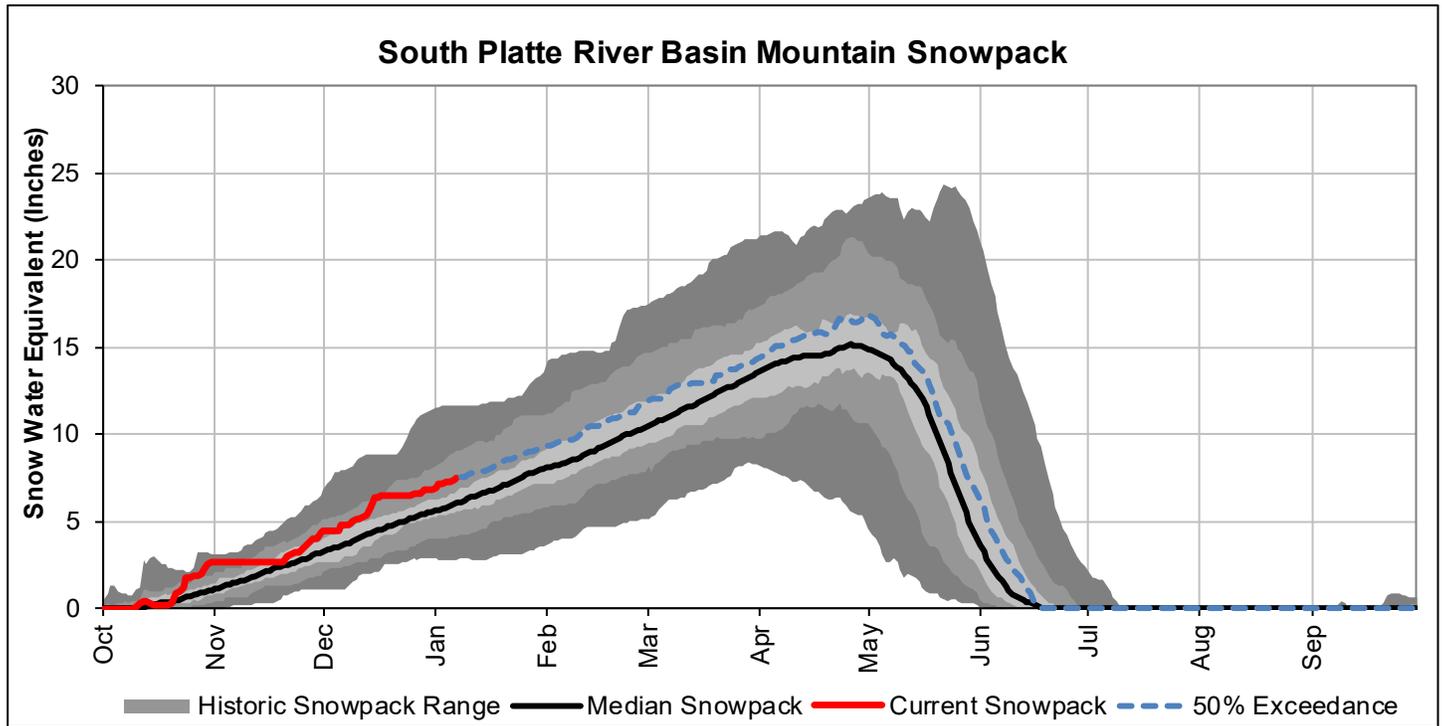
Date: December 19th, 2019

REMINDER: We are soliciting field work photos from the field again this year. Each month we will pick one to grace the cover of this report! Please include information on where, when and of who/what the photo was taken.

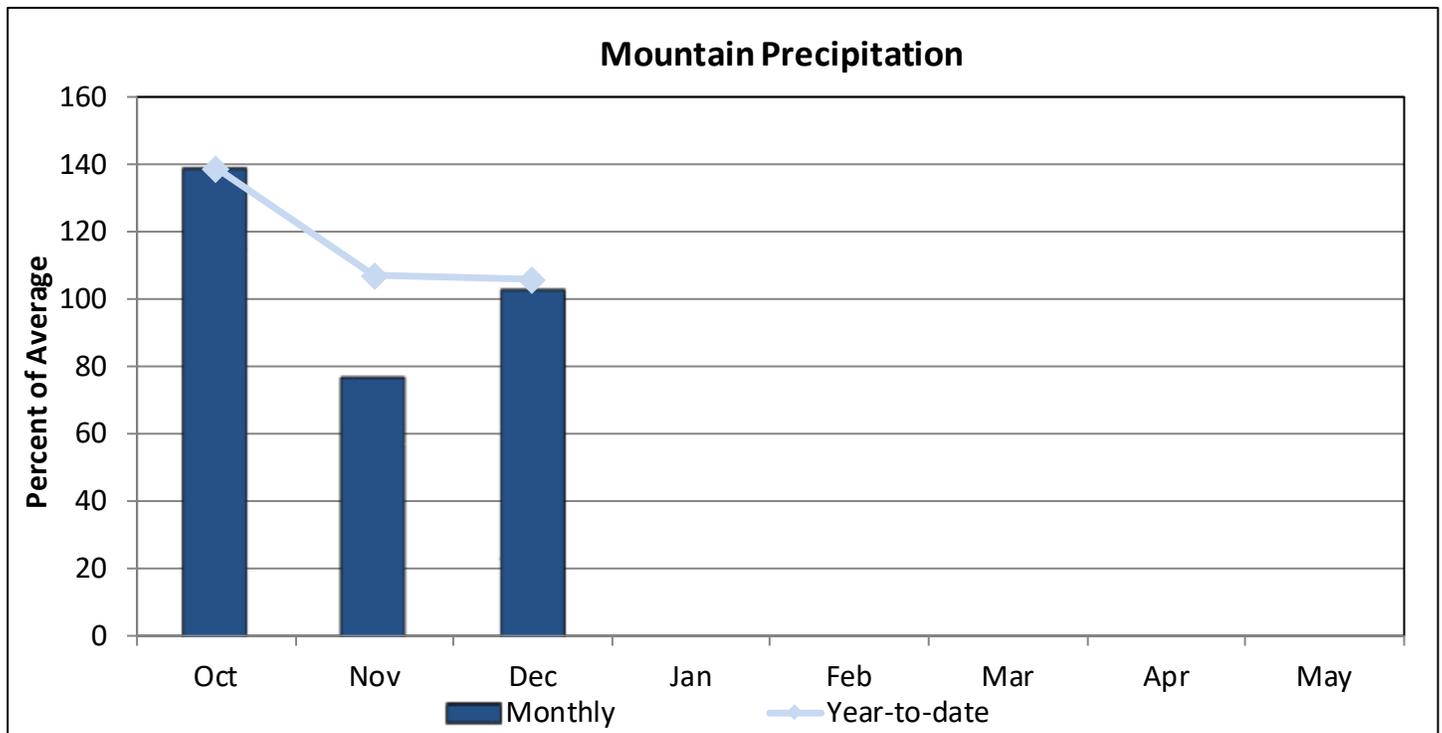
SOUTH PLATTE RIVER BASIN

January 1, 2020

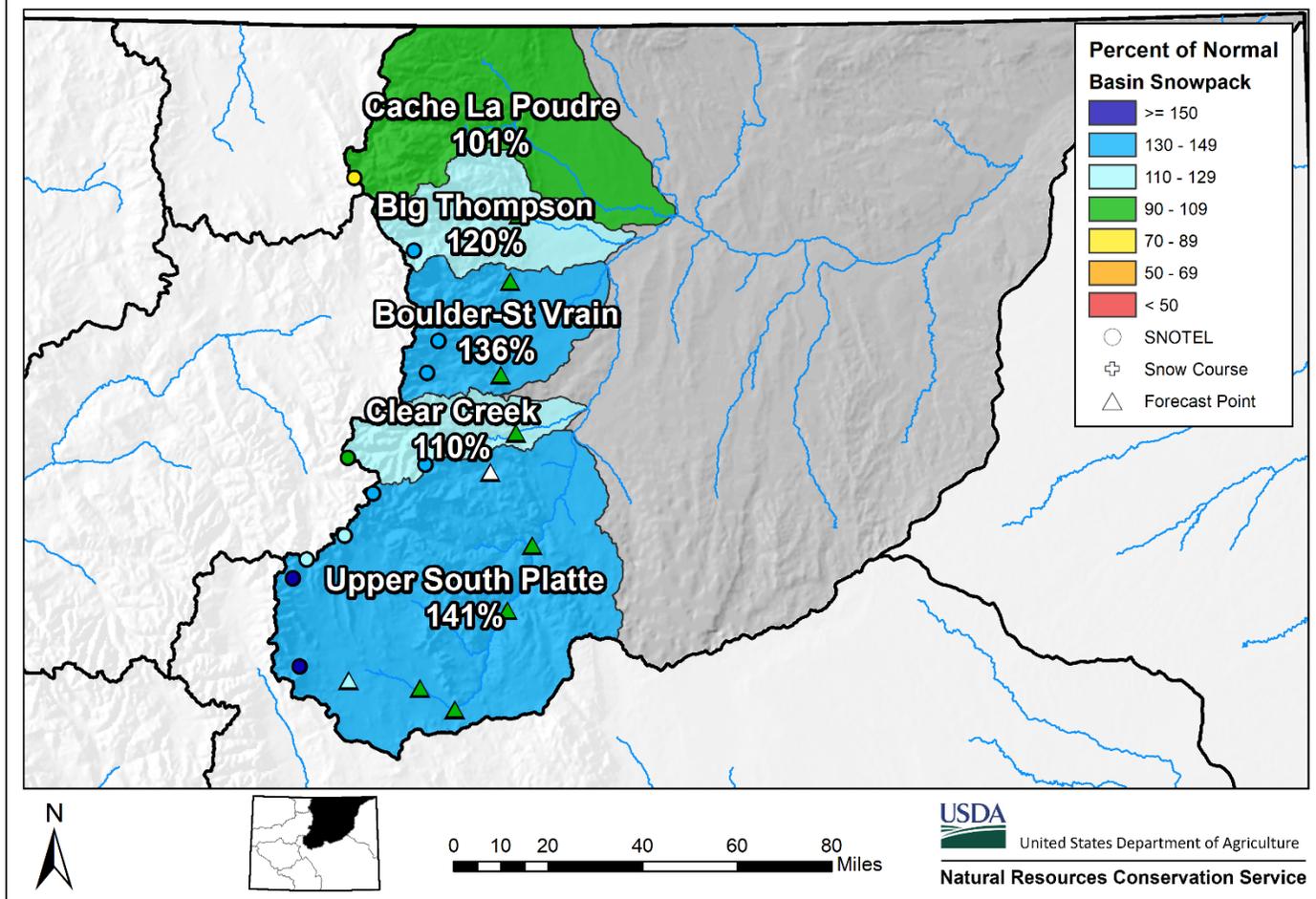
Snowpack in the South Platte River basin is above normal at 123% of the median. Precipitation for December was 103% of average which brings water year-to-date precipitation to 106%. Reservoir storage at the end of December was 115% of average compared to 101% last year. Current streamflow forecasts range from 96% of average for South Platte River at South Platte to 112% for the inflow to Antero Reservoir.



*SWE values calculated using daily SNOTEL data only



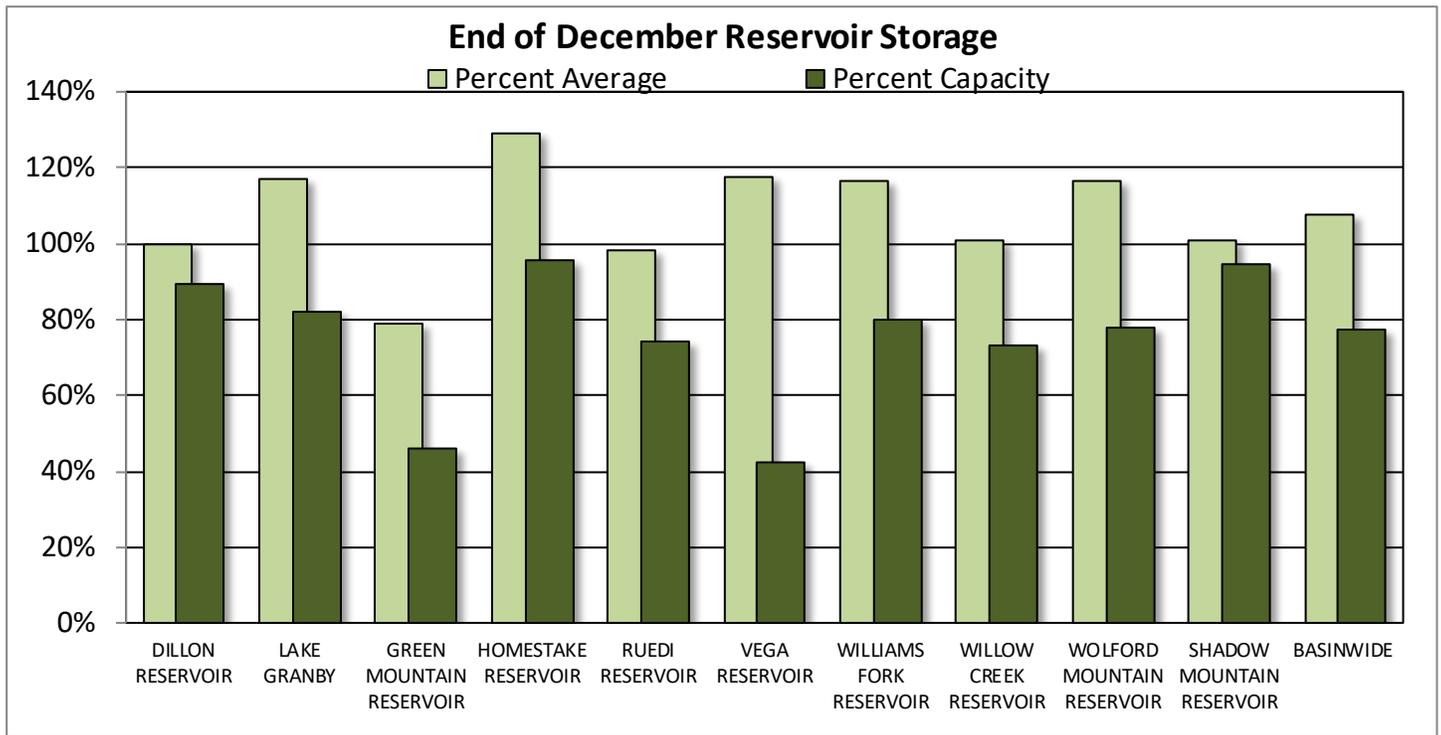
South Platte River Basin Snowpack and Streamflow Forecasts January 1, 2020



Watershed Snowpack Analysis January 1st, 2020

Sub-Basin	# of Sites	% Median	Last Year %	
			% Median	Median
Big Thompson	3	120		106
Boulder Creek	3	134		104
Cache La Poudre	2	101		100
Clear Creek	2	110		107
Saint Vrain	1	152		133
Upper South Platte	6	141		132
Basin-Wide Total	17	123		112

*SWE values calculated using first of month SNOTEL data and snow course measurements



Reservoir Storage End of December 2019

Reservoir	Current (KAF)	Last Year (KAF)	Average (KAF)	Capacity (KAF)
ANTERO RESERVOIR	20.1	18.9	15.5	19.9
BARR LAKE	21.2	16.8	22.3	30.1
BLACK HOLLOW RESERVOIR	3.8	4.1	2.8	6.5
BOYD LAKE	34.3	31.5	27.4	48.4
CACHE LA POUFRE	6.3	6.1	5.4	10.1
CARTER LAKE	68.5	58.1	67.5	108.9
CHAMBERS LAKE	4.7	3.3	3.1	8.8
CHEESMAN LAKE	60.7	60.1	64.3	79.0
COBB LAKE	18.2	15.2	11.7	22.3
ELEVENMILE CANYON RESERVOIR	99.5	99.2	95.9	98.0
EMPIRE RESERVOIR	18.2	24.0	20.6	36.5
FOSSIL CREEK RESERVOIR	9.3	9.2	6.3	11.1
GROSS RESERVOIR	2.4	14.8	15.4	29.8
HALLIGAN RESERVOIR	4.4	4.1	3.9	6.4
HORSECREEK RESERVOIR	0.0	0.0	8.5	14.7
HORSETOOTH RESERVOIR	133.1	73.8	83.5	149.7
JACKSON LAKE RESERVOIR	23.1	24.3	20.9	26.1
JULESBURG RESERVOIR	17.1	16.5	17.0	20.5
LAKE LOVELAND RESERVOIR	2.8	0.0	6.8	10.3
LONE TREE RESERVOIR	5.5	6.5	5.7	8.7
MARIANO RESERVOIR	0.2	0.7	2.9	5.4
MARSHALL RESERVOIR	5.4	5.2	5.4	10.0
MARSTON RESERVOIR	9.4	10.3	6.0	13.0
MILTON RESERVOIR	18.2	18.7	14.3	23.5
POINT OF ROCKS RESERVOIR	61.9	47.2	43.3	70.6
PREWITT RESERVOIR	20.8	16.3	13.9	28.2
RIVERSIDE RESERVOIR	44.2	41.2	32.1	55.8
SPINNEY MOUNTAIN RESERVOIR	38.6	27.0	30.5	49.0
STANDLEY RESERVOIR	39.2	29.0	35.8	42.0
TERRY RESERVOIR	5.2	4.8	5.1	8.0
UNION RESERVOIR	8.5	8.9	9.8	13.0
WINDSOR RESERVOIR	10.1	7.9	7.7	15.2
BASINWIDE	814.9	703.6	711.3	1079.5
Number of Reservoirs	32	32	32	32

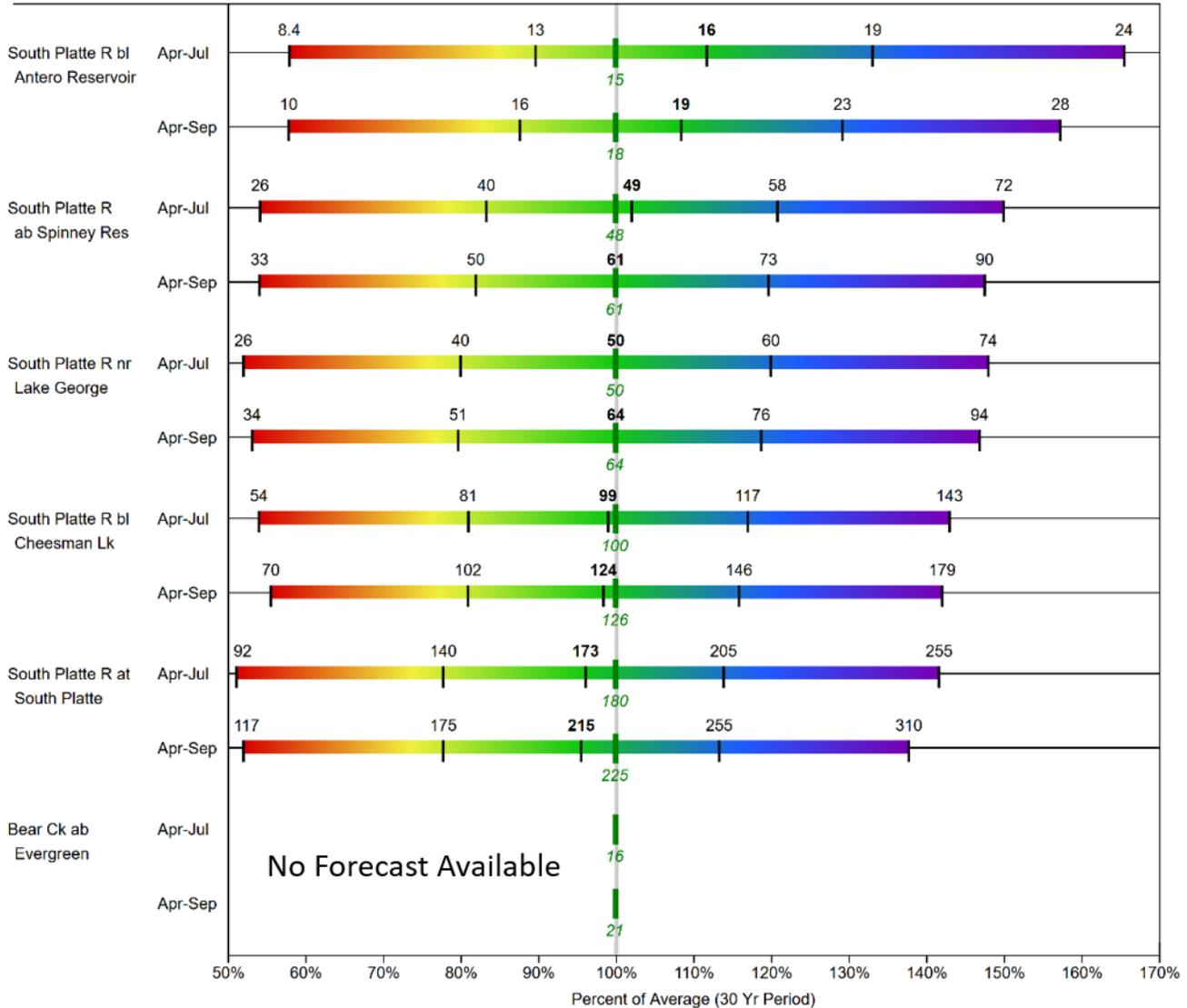
SOUTH PLATTE RIVER BASIN

Water Supply Forecasts

January 1, 2020

Forecast Exceedance Probabilities

Forecast Point Forecast Period <----- Drier ----- Future Conditions ----- Wetter ----->
 Labels on chart represent volumes of water expressed in thousand acre-feet.



Legend



When selected, the following historic streamflow values and statistics will be shown.

Period of Record Minimum Streamflow KAF (Year)	1981-2010 Normal Streamflow KAF	Observed Streamflow KAF	Period of Record Maximum Streamflow KAF (Year)
--	---------------------------------	-------------------------	--

Some forecasts may be for volumes that are regulated or influenced by diversions and water management.

SOUTH PLATTE RIVER BASIN

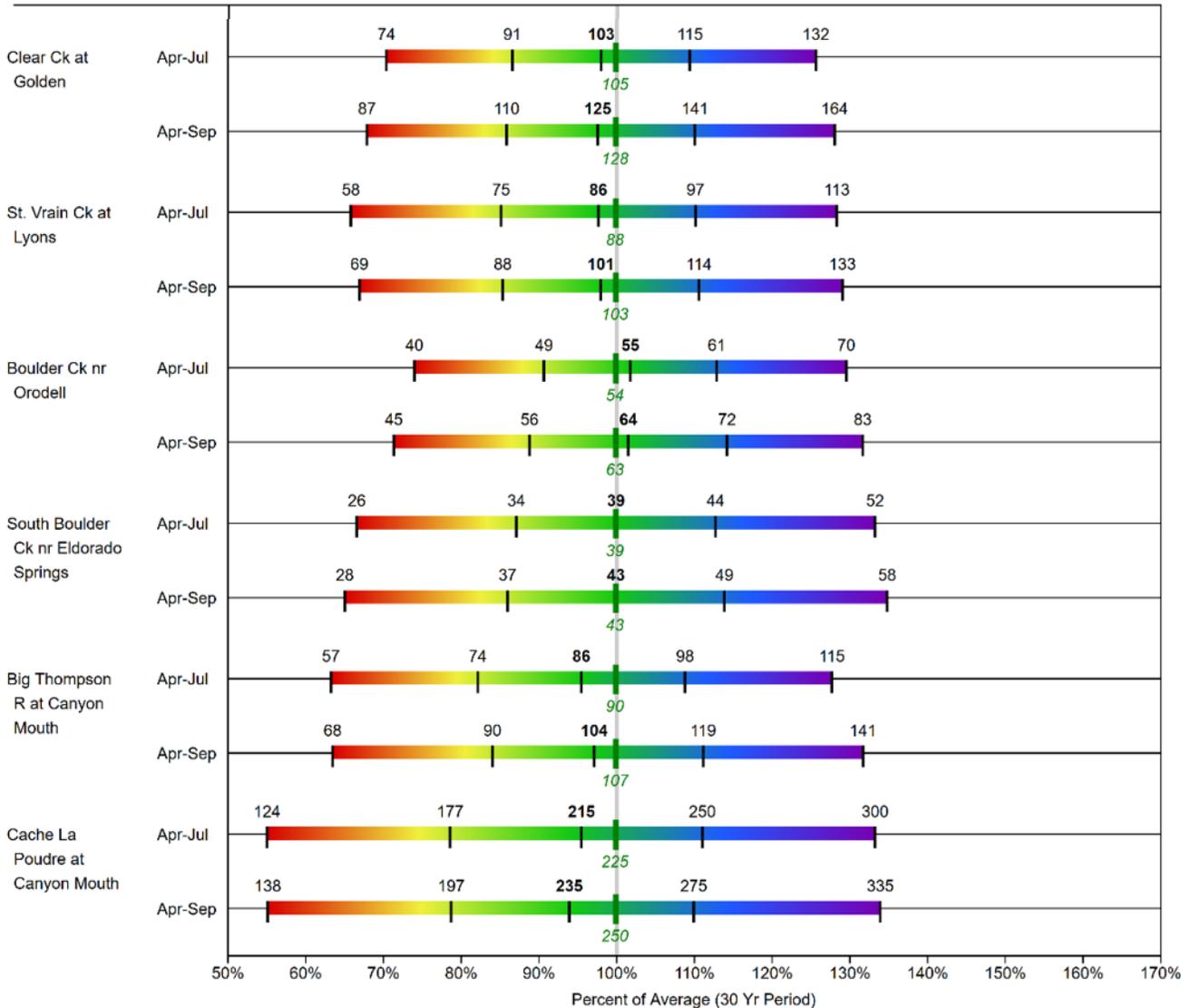
Water Supply Forecasts

January 1, 2020

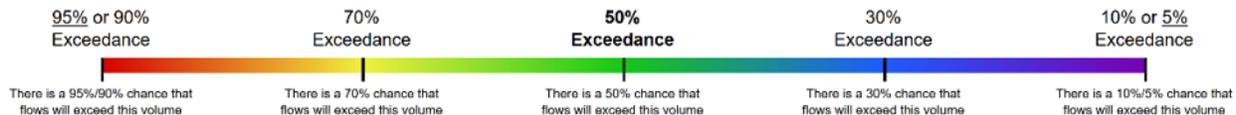
Forecast Exceedance Probabilities

<----- Drier ----- Future Conditions ----- Wetter ----->

Labels on chart represent volumes of water expressed in thousand acre-feet.



Legend



When selected, the following historic streamflow values and statistics will be shown.

Period of Record Minimum Streamflow KAF (Year)

1981-2010 Normal Streamflow KAF

Observed Streamflow KAF

Period of Record Maximum Streamflow KAF (Year)

Some forecasts may be for volumes that are regulated or influenced by diversions and water management.

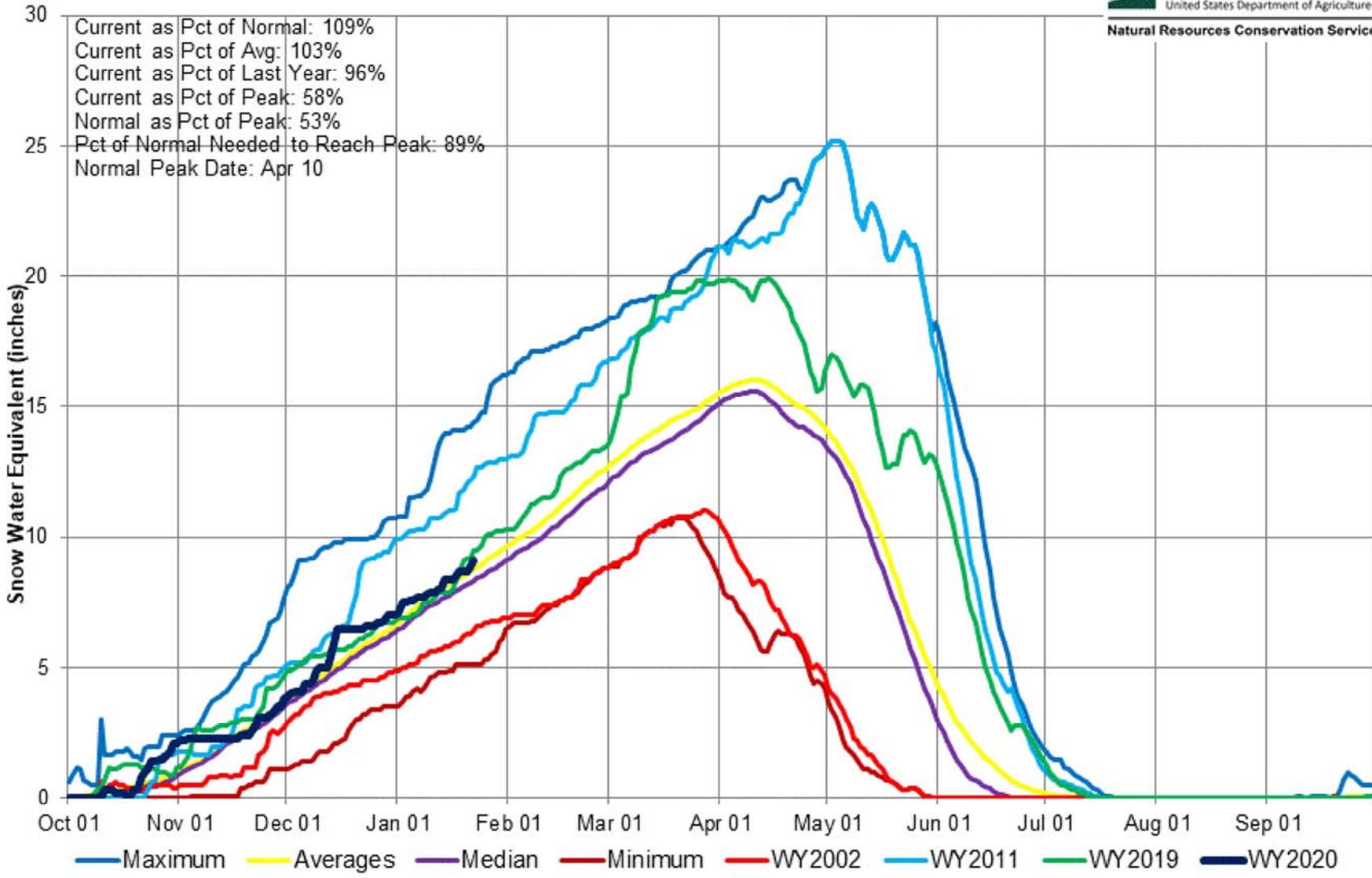
Upper Colorado River Basin High/Low Snowpack Summary

Based on Provisional SNOTEL data as of Jan 22, 2020



United States Department of Agriculture

Natural Resources Conservation Service

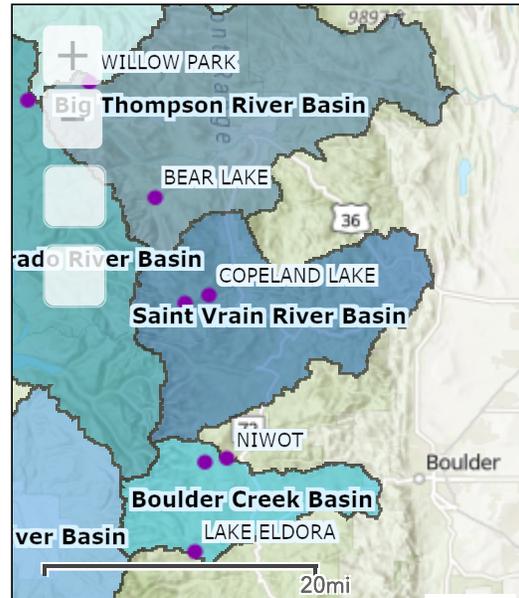


St. Vrain River Watershed Basin SnoWatch Report for Wednesday, January 22, 2020

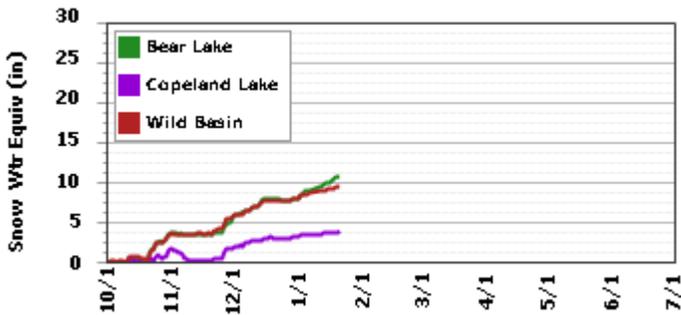
The St. Vrain River watershed drains about 214 square miles above the canyon mouth west of Longmont. In an average year, the St. Vrain River watershed produces about 114,000 acre-feet of water. Nearly 80% of the production (90,000 acre-feet) occurs during the peak snowmelt months of April through July.

The St. Vrain River watershed provides water to the City of Longmont and to numerous ditch and reservoir companies in eastern Boulder and western Weld counties.

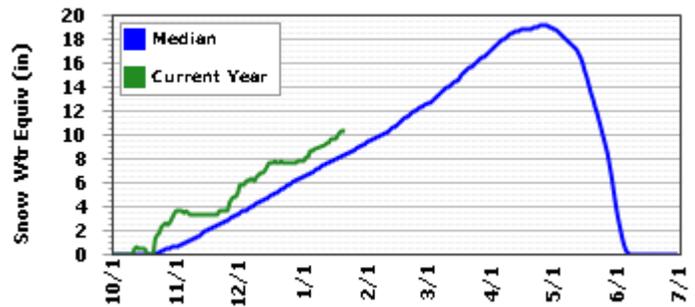
Our SnoWatch system displays year-to-date snow accumulation for three SNOTELs in and near the St. Vrain River watershed. Copeland Lake SNOTEL is a low-elevation site located on the central part of the watershed. Bear Lake SNOTEL is a high-elevation site located in the neighboring Big Thompson River watershed. A relatively new SNOTEL, Wild Basin, is a middle-elevation site located near the center of the watershed. It is in its fifth year of operation. The current year of snow accumulation for Wild Basin SNOTEL is shown, but we have insufficient data to compute a median curve.



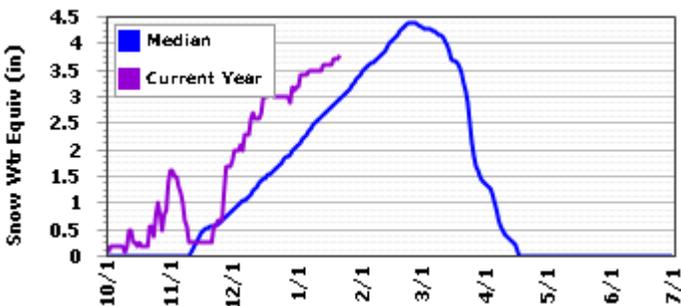
St. Vrain River SNOTEL Sites COMPOSITE



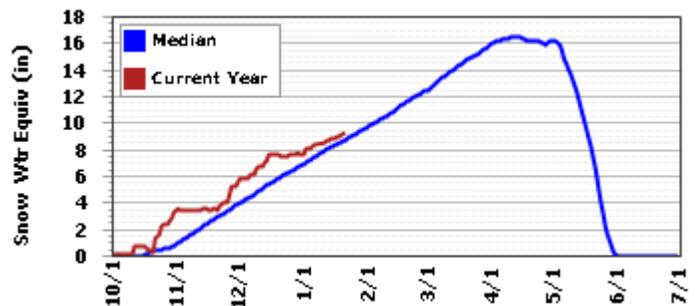
Bear Lake SNOTEL Site



Copeland Lake SNOTEL Site



Wild Basin SNOTEL Site



SnoWatch data are preliminary and are for general information purposes only.

The "Current Year" line on the individual SNOTEL graphs indicates the water content of the snow that has accumulated at each SNOTEL site, expressed as Snow Water Equivalent (SWE) depth in inches. If there are sufficient data, a blue "Median" line is drawn to indicate a typical pattern of accumulation for a normal or average year.

For more information contact: Sarah Smith at ssmith@northernwater.org.

Report generated on Wednesday, January 22, 2020 at 1:19PM MST.



WATER BOARD
LONGMONTCOLORADO.GOV

Meeting Date: January 27, 2020

Item Number: 9a

Subject: Annual Review of Water Board By-Laws

Type of Item: Items from Board

From: Todd Williams, Water Board Chair

Suggested Action: Review and Comment

Attached are the Board's current by-laws for its review and to make changes as necessary.

Also attached is a copy of the City's adopted Guiding water Principles for review and comment by the Board.

BY-LAWS OF THE WATER BOARD
OF THE
CITY OF LONGMONT,
COLORADO (January 28, 2019)

ARTICLE I
AUTHORITY

Section 1. AUTHORITY

The Longmont Water Board Is established by the City Council pursuant to the Longmont Municipal Charter and Chapter 2.40 of the Longmont Municipal Code. The Board shall have such powers and duties as set forth in the Charter and Code.

Section 2. OFFICE OF THE BOARD

The office of the Water Board shall be Service Center, City of Longmont, Colorado, or as the Board may from time to time designate by resolution.

ARTICLE II
BOARD MEMBERS

Section 1. MANAGEMENT

The five board members appointed by the City Council of the City of Longmont shall constitute the Water Board. All of the affairs and business of the Board shall be vested in the said five board members who are appointed as provided by ordinance, by the City Council, of the City of Longmont, Colorado.

Section 2. ABSENTEEISM

Any member who is unexcused for three (3) consecutive regular meetings, or is absent from a total of four (4) regular meetings per calendar year will be subject to recommendation to council for replacement.

Section 3. EXPENSES

Reimbursement for necessary expenses actually incurred shall be paid members of the Water Board if within budgeted expenses.

Section 4. BOARD MEMBERS

Members of the Board shall perform such other duties and functions as may from time to time be required by the Board or rules and regulations of the Board.

ARTICLE III
MEETINGS

Section 1. REGULAR MEETING

The regular meeting of the Water Board shall be held in the Service Center or other designated meeting place on the third Monday of each month. In the event the third Monday of the month falls on a national holiday, the meeting will be held on the fourth Monday of that month. At such meetings the Board shall consider all matters properly brought before the Board as scheduled agenda items. A regular meeting may be canceled or rescheduled by the Board at a prior meeting. If there are no reports or other general business items to bring before the Board, the Secretary shall consult with the Chairman and if so decided notify the Board members of cancellation.

Section 2. ANNUAL MEETING

The annual meeting of the Water Board shall be held on the third Monday in August of each year. Such meeting shall be devoted to the election of officers for the ensuing twelve months, and such other business as shall be scheduled by the Secretary.

Section 3. SPECIAL MEETINGS

Special meetings may be called at the request of the Chairman, Vice-Chairman, or at the request of three members, for the transaction of business as stated in the call for the meeting.

Section 4. INFORMATIONAL MEETINGS

Informational meetings include meetings which Water Board members have been invited to attend to receive information; however no formal action will be taken by the Board during any such meeting. Examples of informational meetings include, but are not limited to, the bi-annual Northern Colorado Water Conservancy District Water Users Meeting, and the City of Longmont Water Resources bi-annual Raw Water System Tour.

Section 5. MEETING NOTICES

Meeting notices shall be sent by mail, email, or other electronic means to all Water Board members and non-voting members not less than five (5) days, or hand delivered not less than three (3) days before such meeting. Notice transmittals shall include an agenda, minutes of previous meeting(s), proposed resolutions and other reference and informational material as may be

appropriate. Notices of special meetings will meet the same time requirements as notice of regular meetings if possible. Notice shall be deemed complete upon mailing.

Section 6. QUORUM

A quorum at any meeting shall consist of any three (3) members of the Water Board. A majority of those in attendance, in the presence of a quorum, shall decide any question that may come before the meeting, except as might otherwise be provided herein, or as might otherwise be required by law. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date; however distribution of informational items may still occur.

Section 7. MEETINGS OPEN TO PUBLIC

All meetings of the Water Board shall be open to the public, except for executive sessions in accordance with the Colorado Open Meetings Law.

Section 8. ORDER OF BUSINESS

A. The order of business at any regular meeting of the Water Board shall be as follows:

1. Roll Call
2. Approval of Previous Months Minutes
3. Water Status Report
4. Public Invited to be Heard and Special Presentations
5. Agenda Revisions and Submissions of Documents
6. Development Activity
7. General Business
8. Items from Staff
9. Items from Board
10. Informational Items and Board Correspondence
11. Adjournment

B. The order of business at any special meeting of the Water Board, unless otherwise prescribed by the Water Board, shall be as follows:

1. Roll Call
2. Public Invited to be Heard and Special Presentations
3. Unfinished Business

4. New Business
5. Adjournment

C. The order of business at the annual meeting of the Water Board shall be as follows:

1. Roll Call
2. Election of Officers
3. Approval of Previous Months Minutes
4. Water Status Report
5. Public Invited to be Heard and Special Presentations
6. Agenda Revisions and Submissions of Documents
7. Development Activity
8. General Business
9. Items from Staff
10. Items from Board
11. Informational Items and Board Correspondence
12. Adjournment

D. The order of business at informational meetings, which include attendance by Water Board members, may be determined by the group or entity calling the meeting. No formal agenda or action is required.

At any annual, regular or special meeting of the Water Board, persons wishing to address the Board during the time for the public to be heard shall be allowed not more than five (5) minutes of time in which to address the Board. Requests for Water Board recommendation to City Council or other Water Board action may be made. The Water Board may take action, or if so moved by a majority of the members present, be scheduled for discussion at the next regular business meeting.

Section 9. VOTING

At all annual, regular, and special meetings of the Board, each voting member in attendance, shall be entitled to cast one vote. Voting on all questions shall be by voice vote. A roll call vote may be requested by any member and the results of such roll call vote shall be entered in the minutes of the meeting.

In the event any member shall have a material interest of any kind in any matter then before the Board, the member shall disclose that material interest to the other members of the Board. Unless the member shall disqualify themselves on the basis of a conflict of interest, the other members shall then vote to determine whether the interested member is unqualified because of the

member's material interest to participate in action on the matter then before the board. The Secretary shall record the outcome of such vote in the minutes.

Section 10. RULES OF PROCEDURE

Meetings of the Water Board shall be conducted in accordance with Roberts Rules of Order in all cases to which they are applicable and in which they are not inconsistent with these By-Laws.

ARTICLE IV
OFFICERS

Section 1. TITLES

The officers of the Water Board shall be a Chairman and a Vice-Chairman.

Section 2. CHAIRMAN

The Chairman shall preside at all meetings of the Board. Except as otherwise authorized by resolution of the Board, the Chairman shall sign all recommendations made by the Board. At each meeting, the Chairman shall submit such recommendations and information as the Chairman may consider as considered proper concerning the affairs and policies of the Board.

Section 3. VICE-CHAIRMAN

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman until such time as the Board shall select a new Chairman.

Section 4. ADDITIONAL DUTIES

The officers of the board shall perform such other duties and functions as may from time to time be required by the Board.

Section 5. ELECTIONS AND APPOINTMENTS

The Chairman and Vice-Chairman shall be elected at the annual meetings of the Board from among the members of the Board, and office shall be held for one year or until their successors are elected and qualify.

Section 6. REMOVAL OF OFFICERS

Any officer may be removed from office at any time by a vote of the majority of the Board present and voting at any meeting of the Water Board called and held for that purpose; however, Notice of any motion to remove any officer shall be given to the officer no less than ten (10) days and no more than thirty (30) days prior to such meeting in writing.

Section 7. VACANCIES

Should the office of the Chairman or Vice-Chairman become vacant, the Board shall elect a temporary successor from its membership at the next regular meeting, and shall elect a permanent replacement for such office or offices at first regular meeting after City Council has appointed any Board members required to fill any unexpired term due to vacancy. The permanent Chairman or Vice-Chairman shall then serve for the duration of unexpired term.

Section 8. RECORDING SECRETARY

A Recording Secretary shall be provided by the City of Longmont. The Recording Secretary shall keep the records of the Board, shall be responsible for the minutes of the meetings of the Board and for keeping a record on all votes, and shall keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to this office.

ARTICLE V
REPORTS

Section 1. MASTER PLAN

The Board shall develop a Raw Water Master Plan, pursuant to Chapter 2.40 of the Longmont Municipal Code, defining the long-term goals and objectives of the City of Longmont raw water program. The Raw Water Master Plan shall be updated or modified as the need arises.

ARTICLE VI
BY-LAWS

Section 1. AMENDMENTS

The by-laws of the Board shall be amended only with the approval of at least four (4) of the members of the Board at any annual, regular or special meeting, and shall comply with meeting notice requirements listed in Article III, Section 5 of these by-laws.

ARTICLE VII
RESOLUTIONS OF THE BOARD

Section 1. RESOLUTIONS

All resolutions shall be presented in writing to Board members by mailing at least five (5) days or hand delivered at least three (3) days prior to the board meeting at which the resolution is to be voted upon; unless waived by unanimous vote of those present.

Section 2. RECORDING

All resolutions shall be copies in full in the official minute book of the proceedings of the Board.

City of Longmont Guiding Water Principles

	<i>Statement of Goal</i>	<i>Policy Statement</i>
Goal 1	The City will acquire and maintain a raw water supply sufficient to meet the water demands of the City at full build-out of the Longmont Planning Area during a drought with a 1 in 100 year recurrence interval.	The City will maintain diligence on conditional water supply projects. The City will continue to meet its Raw Water Quality of Life Benchmark. The City will continue to pursue efforts to maintain and improve the yields of its water rights and interests in regional water projects.
Goal 2	The City will maintain and enforce a Raw Water Requirement Policy that is consistent with other policies adopted by the city, and that support the attainment of the other goals stated in this document.	The City will continue to consistently apply the Raw Water Requirement Policy to all new development in the City. The City will continue to revise the Raw Water Policy as necessary to meet the water supply needs of the City.
Goal 3	The City will acquire, develop, and beneficially use a water supply that consists of water rights in the South Platte and Colorado River basins.	The City's water supply will continue to be composed approximately one-third from the Colorado Big Thompson and Windy Gap projects with the balance from St. Vrain and Left Hand basin water rights.
Goal 4	The City will pursue policies that develop and maintain a high quality raw water supply for delivery to treatment facilities either directly or by exchange.	The City will place highest priority on development and maintenance of water originating in high mountain watersheds, and the storage of that water in mountain reservoirs. The City will integrate other sources of supply, giving highest priority to exchanges. The integration of such supplies into the treatment system will take place as demand requires and when technology of treatment evolves to allow for high quality potable water at reasonable treatment costs.
Goal 5	The City will pursue policies that promote the retention and preservation of water supplies that originate in the St Vrain Basin for use within the St. Vrain Valley.	The City will work cooperatively with the St. Vrain and Left Hand Water Conservancy District and local irrigation companies and water districts to develop and implement strategies that result in the preservation, retention, and use of native water supplies.
Goal 6	The City will pursue policies that will protect and improve the quality of the water supplies in the St. Vrain Creek watershed.	The City will continue to develop and implement watershed protection programs, actively participate in implementing projects and programs that improve the water quality of storm water discharges, and discharges from the Wastewater Treatment Plant that are within the Total Maximum Daily Loading of the St. Vrain Creek.

	<i>Statement of Goal</i>	<i>Policy Statement</i>
Goal 7	The City will develop and implement a water conservation policy that strives to achieve a sustainable use of its water resources.	The City will strive to achieve water conservation that results in water demands at build out of the Longmont Planning Area that are 10 percent lower than current projections. The City will pursue water development that does not rely on the dry up of agricultural lands.
Goal 8	The City will pursue water policies and operations that minimize adverse environmental impacts.	The City will independently and in partnership with other agencies and organizations evaluate the environmental impacts of water development projects and operate the City's water resource facilities to minimize adverse environmental impacts while not unreasonably diminishing the yield of the City's water supplies.
Goal 9	The City will pursue water policies and operations that promote multiple uses of water.	The City will manage it's water resources with the primary goal of meeting the domestic water needs of its customers while also striving to provide for other water uses such as recreational, agricultural, and environmental.
Goal 10	The City will develop a strategy of flexibility in raw water supply that will enable it to respond to changes in supply and demand conditions.	The City will continue to acquire, develop and operate its water supply to provide for the necessary redundancy, flexibility and capacities to address potential changes in climate, system and operational failures, and changes in water demands while maintaining a reliable water supply.
Goal 11	The City will consider regional supply and treatment partnerships and agreements that complement and support other regional goals of the City and clearly benefit the citizens of Longmont.	The Longmont Municipal Charter, Section 11.1, allows the City to provide extraterritorial water service provided the agreements or contracts clearly benefit the inhabitants of the City.
Goal 12	The City will develop strategies to meet the above goals in the most economically beneficially manner for the citizens of Longmont.	The City will continue to evaluate the costs and benefits of all water development strategies and seek to meet the water needs of the community using favorable financing options, encouraging water conservation, efficient project designs, and partnering in regional water projects were appropriate.



WATER BOARD
LONGMONTCOLORADO.GOV

Item Number: 9b

Subject: Review of Major Projects Listing and Items Tentatively Scheduled for Future Board Meetings

Type of Item: Informational

From: Water Board

Suggested Action: N/A

Attached is a copy of the most recent Water Board project status report. Please note the report now includes expected future review date information for each item.

WATER BOARD PROJECT STATUS REPORT

<u>ITEM</u>	<u>MOST RECENT WATER BOARD REVIEW DATE</u>	<u>PROJECTED NEXT WATER BOARD REVIEW DATE</u>	<u>MOST RECENT ACTION TAKEN AND/OR PROPOSED FUTURE ACTION</u>
1 Union Reservoir Enlargement Land Acquisition Program	February 25, 2019	February 24, 2020	Annual update was presented to Water Board February 25, 2019.
2 Water Supply and Drought Management Plan	April 15, 2019	April 14, 2020	2019 Plan presented to Water Board in April 2019 with recommendation to City Council to remain at a Sustainable Conservation Level.
3 Windy Gap Firing Project	December 16, 2019	January 27, 2020	Review of Longmont's 5th Interim Agreement.
4 Water Legislation & Guiding Water Principles	May 20, 2019	January 27, 2020	Review of current legislation.
5 Cash-In-Lieu Review	December 16, 2019	March 16, 2020	Currently at \$16,840 per Acre-Foot. Resolution R-2019-78. Proposed to increase to \$17,683.
6 Button Rock Preserve & Forest Stewardship	May 20, 2019	February 24, 2020	Review the Button Rock Preserve visitation policy.
7 Longmont Water System Yield	July 15, 2019	TBD	Ongoing discussion of future water projects and projected future water yields.

Tentative Future Event Schedule	
Event	Date
Water Board Monthly Meeting	February 24, 2020
Water Board Monthly Meeting	March 16, 2020
Water Board Monthly Meeting	April 20, 2020

Water Board Member Terms

John Caldwell - 2020
 Kathy Peterson - 2021
 Todd Williams - 2022
 Roger Lange - 2023
 Renee Davis - 2024

Updated: January 2020



WATER BOARD
LONGMONTCOLORADO.GOV

Meeting Date: January 27, 2020

Item Number: 10

Type of Item: Informational Items & Water Board Correspondence

Attached are information items and Water Board correspondence.



Board of Directors Vacancy

St. Vrain and Left Hand Water Conservancy District Seeks Qualified Candidates to Fill Vacancy on the Board of Directors

The St. Vrain and Left Hand Water Conservancy District (District) Board of Directors has oversight over the District and appoints the Executive Director to handle day-to-day operations. The Directors have the power to set the fees and budget, and establish policies that support the vision and mission of the District. The Board meets monthly to provide direction to the staff on matters such as water education, service, stewardship, protection, and planning.

Each of the Directors are term appointed for four years through the Courts of Boulder, Weld and Larimer Counties. All Directors are required to attend board meetings at the District office that occur the second Monday of every month beginning at 1:00 p.m. Directors are expected to also serve on standing or ad-hoc committees, requiring an additional two to four meetings per year. Directors receive reimbursement for miles traveled, and are compensated \$100 per regular board meeting, up to \$1,200 per year.

Candidates who are passionate about public service and willing to explore the complexities of local water issues are **invited to contact the St. Vrain and Left Hand Water Conservancy District for specific instructions on applying** for Court appointment. Applications must be submitted to the Court by February 24.

Applicants are required to:

- Be the owner of real property located in the St. Vrain and Left Hand Water Conservancy District;
- Must have resided within the St. Vrain and Left Hand Water Conservancy District for a period of one year;
- Have a background reflecting agricultural, municipal, industrial and other interests in the beneficial use of water within the District.

Additional information about the District, meeting minutes can be found at www.svlhwcd.org

From: [Ken Huson](#)
Subject: Denver Water Gross Reservoir Project
Date: Thursday, January 2, 2020 2:06:10 PM

Board members,
FYI - Interesting article
Ken

Ken Huson, PE

Water Resources Manager

Water Resources Division | City of Longmont

OFFICE 303-651-8340

1100 S Sherman Street | Longmont, Colorado 80501

longmontcolorado.gov

NEWS > ENVIRONMENT

Judge affirms Boulder County's right to review of Gross Reservoir expansion

State House Bill 1041 allows local governments to review and regulate matters of statewide interest



Daily Camera

Ice covered the surface of Gross Reservoir in southwestern Boulder County in January. Denver Water plans to raise the dam there by 131 feet and to expand the capacity of the reservoir by 77,000 acre-feet.

By **CHARLIE BRENNAN** | brennanc@dailycamera.com | Boulder Daily Camera



— A Boulder judge ruled Friday Denver Water must go through Boulder County’s review process before proceeding with its planned expansion of Gross Reservoir, which would be the largest construction project in county history.

In a seven-page ruling, Boulder District Judge Andrew Macdonald stated that based on evidence placed on the record by both sides in the controversy, he found Boulder County “did not exceed its jurisdiction or abuse its discretion, or misinterpret or misapply the law,” when it asserted its permitting authority.

That authority, Boulder County has maintained, is established by State House Bill 1041, passed by the Legislature in 1974, which allows local governments to review and regulate matters of statewide interest through a local permitting process.

Denver Water challenged that authority by filing suit in Boulder District Court in April of this year, claiming what it termed a “zoned law exemption” which it asserted excused it from having to pass through the county process. Denver Water’s complaint claimed the zoning at the reservoir that existed at the time of the passage of the 1041 legislation — officially known as the Activities and Areas of State Interest Act — permitted its planned activities.

Additionally, the suit stated Boulder County commissioners had exceeded their jurisdiction and/or abused their discretion at a March 14 hearing at which they unanimously upheld Land Use Director Dale Case’s finding that the county review process must apply to Denver Water.

Macdonald’s ruling struck down Denver Water’s claim to an exemption based on prior zoning.

“There is nothing on the record that Denver Water had any well-established development rights to expand Gross Dam and Gross Reservoir prior to May 17, 1974,” he ruled. “Any prior contemplated expansion projects cannot be determined to be well-established development rights because the proposed Expansion Project is essentially an entirely new construction project.”

Friday’s ruling was welcomed by Gary Wockner, executive director and co-founder of Save the Colorado, which is suing the U.S. Army Corps of Engineers in U.S. District Court in Denver, challenging the grounds on which its permit for the Gross Reservoir expansion was issued in July 2017.



“The law is clear that Boulder County has the full right to require a local permitting process. We are pleased with the court’s decision and look forward to a comprehensive, scientific vetting of this massive, environmentally destructive dam expansion that would negatively impact County citizens as well as further drain and destroy the Upper Colorado River,” Wockner wrote in an email. His organization had been granted intervenor status on the side of the defense in the Boulder case decided Friday.

“We believe the County will inevitably ‘deny’ this permit and thus Denver Water should change course now and quit throwing good money after outdated and very bad decisions,” Wockner said.

Denver Water, which serves 1.4 million customers in the Denver metro area – none in Boulder County – had originally hoped to start construction on the project in 2019, raising Gross Dam by 131 feet to a height of 471 feet, and increasing the capacity of the reservoir by 77,000 acre feet.

A timeline for the project on the Denver Water website currently shows dam design engineering continuing through 2020, with the installation of temporary facilities, site development, quarrying operations and closure of the south shore to public access slated to begin in 2021.

In an email Friday night, Denver Water spokesman Travis Thompson said, “As we continue to follow the process of determining the appropriate permitting methods, we will review the order and evaluate our next steps. No matter the path forward, we remain committed to considering input from Boulder County and from community members to minimize and mitigate the impacts of the Project.”

An additional hurdle remains for the project. Denver Water is still waiting for a final decision by the Federal Energy Regulatory Commission on a hydropower licensing amendment that Denver Water needs in order to go forward with its planned expansion of the reservoir.

Popular in the Community



Heather McIntyre

From: Ken Huson
Sent: Wednesday, January 08, 2020 10:13 AM
To: Heather McIntyre
Cc: Marcia Martin
Subject: FW: [External] Platte River Recovery Implementation Program Extended 13 Years

Water Board Members,
FYI – Great news from CWCB.
Longmont’s contribution is approximately \$30,000.00 per year for this program.
Ken

Ken Huson, PE

Water Resources Manager

Water Resources Division | City of Longmont

OFFICE 303-651-8340

From: Colorado Water Conservation Board <sara.leonard@state.co.us>
Sent: Tuesday, January 07, 2020 1:11 PM
To: Ken Huson <Ken.Huson@longmontcolorado.gov>
Subject: [External] Platte River Recovery Implementation Program Extended 13 Years



To All Media
FOR IMMEDIATE RELEASE

Platte River Recovery Implementation Program Extended 13 Years

Collaborative program for wildlife and Colorado water

January 7, 2020 (Denver, CO) - A victory for wildlife and Colorado water, Secretary of the Interior David Bernhardt, Colorado Governor Jared Polis, and the Governors of Nebraska and Wyoming signed a [Cooperative Agreement](#) to extend the Platte River Recovery Implementation Program (Program) with \$156 million.

The Colorado Water Conservation Board has played a major role in this Program's creation and ongoing efforts, including policy and financial support.

"This collaborative program supports the recovery of four threatened and endangered species by improving and maintaining habitat in the Platte River in Nebraska while allowing for continued water use in Colorado," said **Colorado Water Conservation Board Director Rebecca Mitchell**. "We look forward to continuing our role in the upcoming years of the Platte River Recovery Implementation Program."

"The commitment by the states and the U.S. Department of the Interior to continue the program's innovative approach to species recovery and Endangered Species Act compliance is a win-win for the future of Colorado's citizens and the environment," said Governor Polis.

The Program was set to expire at the end of 2019. However, with support from the Colorado Water Conservation Board; Colorado Parks and Wildlife; the Department of Natural Resources; and other state, federal, and non-governmental partners; a bill supported by the entire Congressional delegation from Colorado, Nebraska, and Wyoming was passed and signed by the President before the New Year.

Together with its water users, the Colorado Water Conservation Board is celebrating the Program's more than a decade record of success. As the Program enters into its next 13 years, it has [momentum](#) to continue to recover threatened and endangered species, which provides assurance for future water use in Colorado.



Sandhill crane migration, Platte River

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The Colorado Water Conservation Board mission is to conserve, develop, protect and manage Colorado's water for present and future generations.



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