



Task Force Meeting #9 – Meeting Notes

Thursday, November 16, 2023

11:00 am-4:00 pm

Virtual (Zoom)

Meeting Attendance

Attended?	Appointed Representative	SB-295 Seat
Yes	Orla Bannan Western Resource Advocates	Representative of a statewide environmental nonprofit organization with expertise in water rights and Colorado River interstate governance.
Yes	Jackie Brown Tri-State Generation and Transmission Association	Representative of an industrial water user located on the western slope.
Yes	Mike Camblin Colorado Cattlemen's Association; Rancher	Representative of a statewide agricultural organization that is the owner of water rights.
Yes	Kathy Chandler-Henry Eagle County Government	Non-voting Chair.
Yes	Aaron Citron The Nature Conservancy	Representative of a statewide environmental nonprofit organization with expertise in water rights and Colorado River interstate governance.
Yes	Alex Davis Aurora Water	Representative of a front-range municipal water provider that diverts water from the Colorado River.
Sent Designee	Kate Greenberg* Department of Agriculture *Designee Jordan Beezley attended	Commissioner of Agriculture.
Yes	Daris Jutten Uncompahgre Valley Water Users Association	An agricultural producer that owns water rights within the boundaries of the Colorado River Water Conservation District (CRWCD).
Yes	Randi Kim City of Grand Junction	Representative of a local government located within the boundaries of the Colorado River Water Conservation District that provides water for municipal purposes.
Yes	Gerald Koppenhafer Montezuma Valley Irrigation Company; Farmer	Agricultural producer that owns water rights within the boundaries of the Southwestern Water Conservation District (SCWCD).
Yes	Lee Miller SCWCD	Representative of Southeastern SCWCD.
Yes	Andy Mueller CRWCD	Representative of CRWCD.
Yes	Kevin Rein Division of Water Resources	State Engineer; non-voting member.
Yes	Kelly Romero-Heaney Department of Natural Resources	Designee of the Executive Director of the Department of Natural Resources.

Attended?	Appointed Representative	SB-295 Seat
Yes	Kyle Whitaker NCWCD	Representative of Northern Colorado Water Conservancy District (NCWCD).
Yes	Steve Wolff SWCD	Representative of Southwestern Water Conservation District (SWCD).
Yes	Letisha Yazzie Ute Mountain Ute Tribe	Representative of Ute Mountain Ute Tribe.
Yes	Lisa Yellow Eagle Southern Ute Indian Tribe	Representative of Southern Ute Tribe.
Yes	Allison Baker* City of Durango *joined virtual meeting late	Representative of a local government within the boundaries of the SWCD that provides water for municipal purposes.

Alternates in audience:

- Nancy Fishing
- Pete Nylander
- Carlyle Currier
- Dave Payne
- Peter Fleming

1. Welcome and Roll Call (2:35 in Recording)

- a. Chair welcomed the task force and thanked Colorado River District for hosting the group for the day.

2. Approval of Agenda (7:34 in Recording)

- a. **MOTION:** Randi Kim moved to approve the agenda with a second from Steve Wolff. Agenda for 11/16/2023 meeting approved.

3. Approval of Meeting Minutes from 11/9 meeting (8:40 in Recording)

- a. **MOTION:** Moved by Kyle Whitaker with a second from Mike Camblin - 11/9 meeting minutes approved.

4. Public Comment (10:20 in Recording)

- a. The public provided comments to the Task Force virtually. In the meeting recording, the comment period begins at 11:07 and ends at 45:45 in the [Zoom Recording](#). Public Comment closed out at 11:46 am by Chair Chandler-Henry.

Attendees who provided comments virtually
Eugene Buchanan
Helen D. Silver
Amy Sanchez Raaz
Helen D. Silver
Josh Kuhn
Tamara Naumann
James Dilzell
Carrie Howell
Steve Fjeseth
Pete Kolbensschlag

Comments Written into the Q&A without a request to provide verbally:

John Coffee 11:02 AM

Have the Metropolitan Water District of Southern California stop taking all its water from the Colorado River and resume back at 5-20%.\

John Coffee 11:02 AM

It is the Metropolitan Water District of Southern California that give California's Imperial Valley all its water. The Imperial Valley takes the same amount of water either way. Therefore, the difference was the Metropolitan Water District of Southern California draining the Colorado River.\\\\\\

John Coffee 11:05 AM

Why not cloud seed the beginning of the Colorado River known as the 15 Mile Reach in Colorado?

BREAK

5. Updates & Reminders (46:10 in Recording)

- a. Travel Reimbursement
 - i. If you are requesting reimbursement for September meetings, please do so by the 20th of each month.
- b. Task Force Panel at C9 Summit
 - i. Kelsea provided a report on this panel.

BREAK

6. Continued Discussion on "Short List" Ideas – Chair (1:02:59 in Recording)

- a. Chair asked if the group would like to move through the list in order, move things off the list first or take some items and bring them to the top as Task Force members see fit.
 - i. Group Discussion on how the Task Force wants to proceed for the day.
- b. Group began discussing each item in the order that they appear on the

BREAK for lunch (30 minutes, around 1:00pm)

7. Resume Discussion on "Short List" Ideas – Chair (2:35:52 in Recording)

8. Discussion on Demand Management/demand management (May be included in "Short List" Discussion) (3:15:29 in Recording)

BREAK

9. Discussion on Outline for Writing up Recommendations – Chair and The Langdon Group (4:25:20 in Recording)

- a. What characteristics should potential recommendation items have so they can be most actionable?
 - i. Andy – include a brief Preamble/Introduction as to why the Task Force felt this was important to put forward and then the body of the proposal.

- ii. Allison – Include verbs and make them action oriented.
- iii. Aaron – can the facilitators create a high-level template for what each recommendation could contain?

10. Agenda Setting for Upcoming Meeting 12/7 – Chair & Langdon Group (4:48:41 in Recording)

- a. Round Robin: Final thoughts from each Task Force member

11. Wrap-up – Chair (4:50:59 in Recording)

- a. Review meeting outcomes & homework

12. Adjourn (5:02:35 in Recording)

Next meeting: Thursday, December 7th, 11:00am to 4:00pm, in-person the Colorado Water Resources & Power Development Authority office in Denver, Colorado.

UPCOMING DATES

Thursday, November 30th @ 11:59pm – Deadline for amendments to proposals for voting so Task Force and members of the public have time to review and weigh in on proposals for recommendations.

Friday, December 1 – Wednesday, December 6th – Review proposals

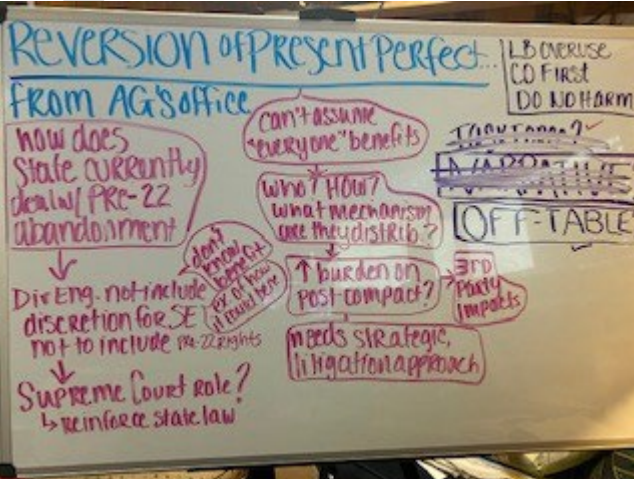
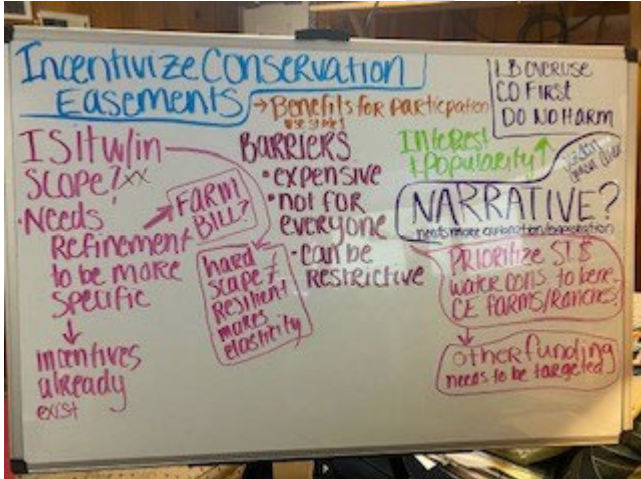
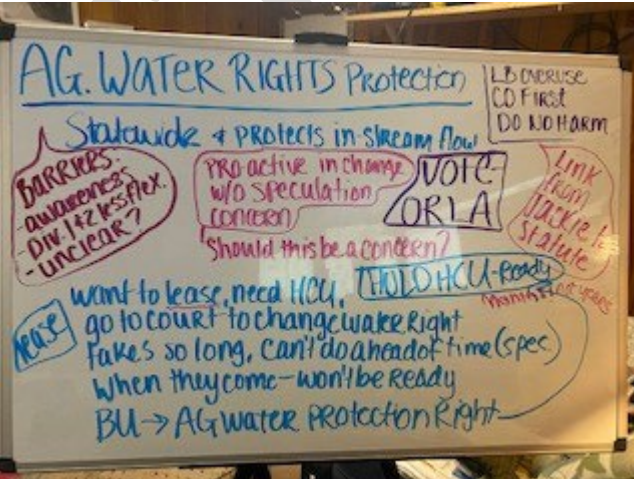
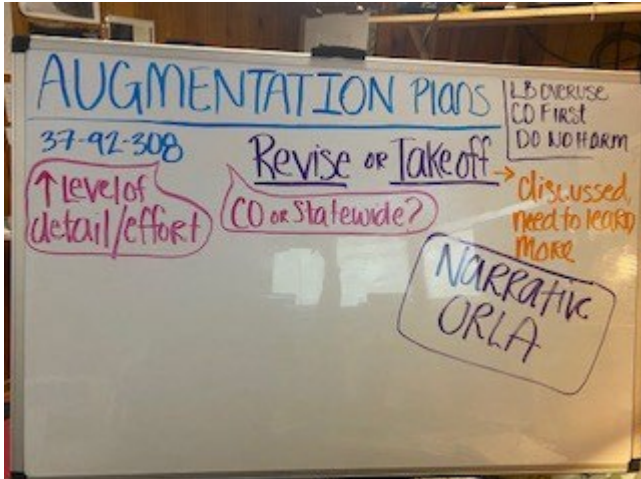
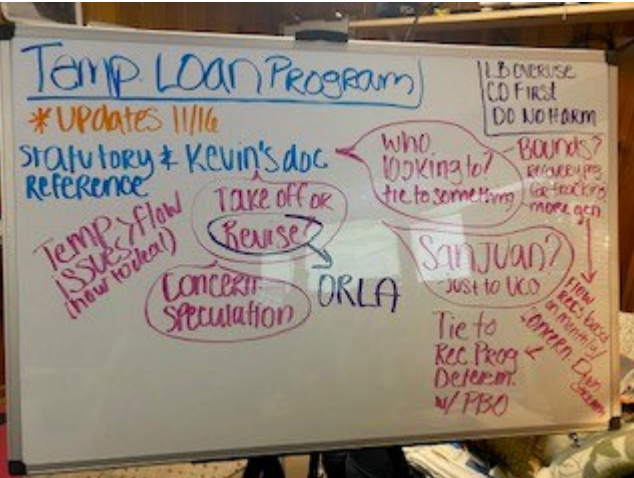
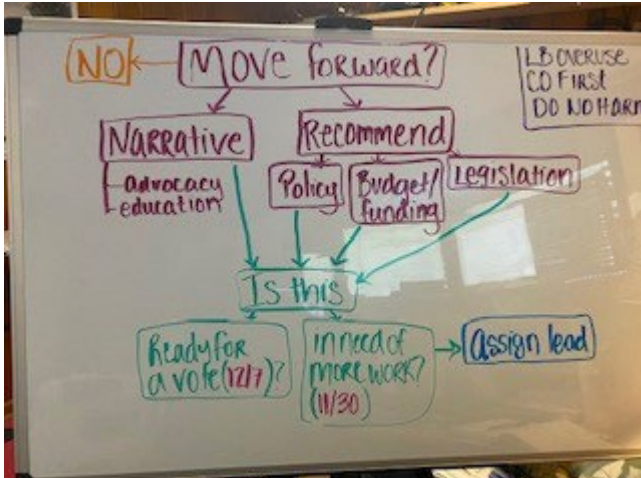
Thursday, December 7th, 11:00am – 4:00pm – Final in-person meeting of Task Force. Voting on proposals for inclusion as recommendations in final report.

TENTATIVELY Monday, December 11th – Wednesday, December 13th – Review draft of Final Report and provide comments

Friday, December 15th – Final Report Due



Appendix A: Whiteboard Notes from Meeting



Shepherding w/ Enviro Co-benefits

DM work group

LB OVERUSE
CD FIRST
DO NO HARM

on if/when tool

CONCERN: when? no interstate commitments

What BU? what would trigger this?

TRANSIT LOSS clarification demonstrable stream health w/o compromise

when moving water - consider enviro. V.C. when a prog included? not on its own

CPW? CWOB to identify flows

The SE shall allow releases Statement mechanism

PRO-active inherent in compact

needs work

vote

Condition as part of larger program

10 YEAR OUTLOOK

Obj for planning can we make make certain

LB OVERUSE
CD FIRST
DO NO HARM

BOR has it not easy, but is out there

info on when/how DM might happen

add "equal" to curtailment

Regular Report to Leg on where UB is @ w/ various scenarios?

Data w/o interp. is ?

Randi Kyle Steve Resources section?

Why are we here?

Numeric Goals for DM

LB OVERUSE
CD FIRST
DO NO HARM

CONCERN: hasn't been determ as need - Don't think leg should set up

State control

Take off

MEASUREMENT TOOLS

LB OVERUSE
CD FIRST
DO NO HARM

sig. funding proposed for air borne soil moisture

Barriers to using new types of data? (stat., admin)

can't use / save what you can't measure

move to vote

Funding? (this is still Leg.)

important expenditure of state funds (money) set funding objectives

Randi

Measurement w/ projects

in stream ability to track water if ever step cell NEEDED

Kelly on look @ proposal

measure w/ greater precision

Invasive Phreatophytic & Species Removal

DEPT. of Ag Noxious weed Removal/enfor. prog

provide more support?

Rivers Edge West smaller support?

Kelly will follow up w/ CDA

move forward to vote w/ edits

Funding?

Randi Commish G.

LB OVERUSE
CD FIRST
DO NO HARM

Systematic Water Conservation

LB OVERUSE
CD FIRST
DO NO HARM

modify: pass non-binding Resol. in support of Com. Mitchell's "Irrefutable" texts

limiting to 7.5 maf (mainstem)

concern: limit? political fallout?

Binding? non-binding

can look at consider indiv. support power w/ #3

ASK Com. Mitchell for public comment

Recommend non-binding Res

holder on defining language?

Andy

Kelly

Turf Removal

more \$
 - ↑ level per entity
 CWCB put \$2mil. in projects bill

Funding

Advocacy? (narrative) → **Revol!**

LIB OVERUSE
 CO FIRST
 DO NO HARM

Advanced Metering Infa.

concern don't require, TM data for smaller entities

Preference for incentive

need capacity as well

Kelly can provide resources

NARRATIVE?
 ↳ Randi

Funding?

Resource?

LIB OVERUSE
 CO FIRST
 DO NO HARM

Direct Potable Reuse

Status of DPR Obstacles?

Gray water? → Reused, but not Potable (not DPR)
 ↳ include?

DPR = drinkable
 Resiliency tool but not leg. need

Impacts on Return Flows from Re-use?
 ↳ SE, aug plans rely on effort would address
 - Prioritize re-use of TMDs

REUSE

NARRATIVE?
 ↳ on, in general

Recommend State explore barriers/ & remove funding

- varies

LIB OVERUSE
 CO FIRST
 DO NO HARM

DRAFT

Appendix B: Discussion Notes on Short List Concepts

LIST of CONCEPTS for FURTHER CONSIDERATION by the COLORADO RIVER DROUGHT TASK FORCE

NOTES:

	Concept/Tool/Program	Move Forward	(Something else)	Off the Table for the TF
A	Community and Technical Assistance Grants Steve Wolff assigned to further develop between meetings	<ul style="list-style-type: none"> - Steve will draft a recommendation for potential inclusion in the report and address funding. - Consider creating an estimate of how much \$ might be needed for this program. - Suggestion to analyze whether updating existing programs or creating a new one is most appropriate. - Consider a funding-only category for these. 	Covered in the 11/9/23 meeting	
B	Aging Infrastructure: Increased Funding Nancy Fishering assigned to further develop between meetings	<ul style="list-style-type: none"> - There has been a good amount of consensus around this, and it should move forward. - Looking at whether funding sources are TABOR limited – do we need to do this? - Legislature often puts preference on programs that benefit multiple users. - Most water savings should be the thing that carries the day. - Water plan fund requirements might be tweaked. - Bigger funding pot is needed, not just looking to existing pots. Ag users can't always come up with the required matching funds. - we need to tweak to make these feasible for more groups. - We want to make sure that we are careful in our wording in prioritizing private projects vs. multi benefit projects. And do we want to put these on equal benefit? 	Covered in the 11/9/23 meeting	
C	Storage: Create Additional Storage	<ul style="list-style-type: none"> - Statewide planning and funding for storage reservoirs. - Storage analysis is going to be discussed at the next CWCB meeting (just FYI for the group) - Is this policy or narrative – Nancy suggests it might be a good one to move forward as narrative. 	Covered in the 11/9/23 meeting	
D	Storage: More Flexible Sharing Jackie Brown assigned to further develop between meetings	<ul style="list-style-type: none"> - Are there pockets in other reservoirs that could be shared more flexibly (maybe note as a narrative – there are examples around the state – commenters mentioned it today) - Looking to better improve forecasting tools, soil moisture 	Covered in the 11/9/23 meeting	

		<p>monitoring, etc. – opportunity to squeeze more out of existing storage</p> <ul style="list-style-type: none"> - When we have looked at this – if you're putting water into streams during drought to keep fish alive, instead of putting into reservoirs – the reservoirs operators will be flagged as not using all of their storage space – this argues for a legislative change. Currently they would get a paper fill. - State Engineers office is currently constrained on allowing or disallowing flexibility. Suggestion to better understand this so the recommendation will effectively address this constraint. - Kevin discussed the challenges and impacts to downstream users and at what point it becomes injury. - Statute at the State level could be an insufficient way/place to address it – when each region's situation is so unique 		
E	Storage: Rehab & Repair	<ul style="list-style-type: none"> - This is a money one as well - These all are interrelated which is tricky - Creating additional storage (building more reservoirs) and more flexibility in water use when it is outside of the reservoirs. These are very different. So lets talk about aging reservoirs first. - This is our cheapest option – rehabbing our existing reservoirs vs. building new ones. - Move rehab and repair up to the aging infrastructure. 	Covered in the 11/9/23 meeting	
F	Storage: Statewide Planning & Funding	<ul style="list-style-type: none"> -Address in report as narrative -Existing doc contains draft language for consideration – Kathy to work on it between meetings 	Covered in the 11/9/23 meeting	
G	<p>Forest Health & Wildfire: Natural Process Protection</p> <p>Alex to write up a draft recommendation</p>	<p>Funding for a Climate Change adaptation tool.</p> <p>Address in the report as - Protect natural processes (i.e. beaver dam) where they don't create harm – they should be allowed to stay in place/happen.</p> <ul style="list-style-type: none"> - Kevin offered clarification of how this is being handled currently - Removal of obstruction statute could potentially be tweaked with this. - Move forward as legislative proposal - The current legislation is housed in 317-92-502 (7)narrative. 	Covered in the 11/9/23 meeting	

H	<p>Forest Health & Wildfire: Prioritize Forest Health</p>	<ul style="list-style-type: none"> - Healthy Forest Restoration Act covers this to some extent. - 2009 guidelines exist and just need to be enacted - Investing in post-fire recovery - Invest in the State Nursery and other revegetation - Forest Mitigation internship funding - Our recommendation might be to monitor the existing efforts and to see how our recommendations could fit into that. - Feels like a funding request and perhaps a policy item. 	<p>Covered in the 11/9/23 meeting</p>	
I	<p>Water Banking</p> <p>Lee will take another look to see what may need to be added to the existing language</p>	<ul style="list-style-type: none"> - Lee wrote some well-developed language into the shared document - the intent is to limit this to intrastate water banking - devil is in the details to make sure that the protection and enforcement actually occurs – if people want to challenge injury - Is streamlined analysis tool needed to give the data to properly implement this? - This will have to have rules that help to implement with local control in place. - Are there limitation on who can lease? Lee – I see that as being part of the development of the individual banks 	<p>Covered in the 11/9/23 meeting</p>	
J	<p>Industrial Water Users</p> <p>Jackie Brown assigned to further adjust between meetings</p> <p>Legislative - Vote</p>	<p>Language is well-developed and adjusted based on feedback from last meeting.</p> <p>Clarifying the intent of the short list language for any future efforts</p> <p>Suggested friendly amendments – Can it be limited to thermal electric production and coal rights? Or does that misunderstand the intent – its not meant to encapsulate oil shale or anything – Jackie will take that back to the group for a tweak.</p> <p>In no event shall existing agricultural diversion rights be impacted – stream should benefit but with no injury to ag users. As of the date of the decree. Keep the multi-benefit concepts without an unintended consequence.</p> <p>Consider comments from other user groups to inform the above.</p> <p>Definition of extracting industries should be added.</p>	<p>Covered in the 11/9/23 meeting</p>	

		<p>Kyle offered thoughts on keeping the users base for this broad, rather than narrowing.</p> <p>List the specific facilities impacted</p>		
K	<p>Stream and Riparian Area Management: Temporary Loan Program</p> <p>Orla Bannan assigned to further adjust between meetings</p> <p>Narrative</p>	<p>11/16 Discussion: Orla presented this</p> <p>CWCB suggested keeping this more general</p> <p>Kelly Romero-Heaney asked clarifying question about whether a process step is missing and if so, what is the suggested tweak?</p> <p>Kyle – we shouldn't have unbounded amounts because of year type and flows and they should be considered.</p> <p>Aaron – the goal isn't unbounded amounts – can we add a process step that identifies desired amounts and meeting demand? Or is that impossible to achieve?</p> <p>Andy – questions about locations and concern about people speculating and being paid to send water out of state – looking to avoid unintended consequences</p>	Covered in the 11/16/23 meeting	
L	<p>Stream and Riparian Area Management: Augmentation Plans</p> <p>Orla Bannan assigned to further adjust between meetings</p> <p>Narrative?</p>	<p>11/16 Discussion: Orla presented this</p> <p>Looking at handling this in water court and to show that CWCB could get this approval – not sure if everyone agrees on how this might work. This is a technical modification – perhaps this could be one to be tabled for another time</p>	Covered in the 11/16/23 meeting	
M	<p>Agricultural Water Protection</p> <p>Orla Bannan assigned to further adjust between meetings and will get info into the sheet by the 11.30 deadline.</p> <p>Legislative - vote</p>	<p>11/16 Discussion – This one would be useful if this was applied statewide and would provide a potential source for instream flow</p> <p>Do we have sense of why it is underutilized? Maybe lack of awareness? Maybe in divisions 1 or 2 there is less flexibility?</p> <p>Kevin – I imagine that this might not be sure clear on why it's a useful mechanism – Kevin explains it as a good way to protect against speculation?</p> <p>Anyone know why this was listed just for 1&2? No one knows – Kelly Romero-Heaney offered to follow up to find out.</p>	<p>Covered in the 11/16/23 meeting</p> <p>Jackie Brown provided links to relevant legislation in the chat:</p> <p>https://leg.colorado.gov/sites/default/files/2016a_1228_signed.pdf</p> <p>https://leg.colorado.gov/bills/hb16-1228</p>	



Task Force Meeting #8 – Meeting Notes

Thursday, November 9, 2023

9:00 am-4:00 pm

In-Person Meeting

Colorado River District

201 Centennial St., Glenwood Springs, CO 81601

SHORT LIST of CONCEPTS for FURTHER CONSIDERATION by the COLORADO RIVER DROUGHT TASK FORCE				
		NOTES:		
	Concept/Tool/Program	Move Forward	(Something else)	Off the Table for the TF
N	Ag Water Protection: Incentivize Conservation Easements	<p>11/16 Discussion – Alex Davis presented this proposal. Aaron offered support and is willing to help write this up if the group agrees to move it forward.</p> <p>Jackie thinks that we may not have the time to make it fully formed enough for a vote.</p> <p>Definition of prime will be tricky</p>	<p>Covered in the 11/16/23 meeting</p> <p>This may need to be added to the report as narrative as some of the nuance may make it difficult to have ready by 11/30.</p> <p>Alex Davis and Aaron Citron will draft this language.</p>	
N	Water Sharing: Reversion of Present Perfected Water Rights			11/16 - The group decided not to move this forward as a recommendation
P	<p>Water Sharing: Shepherding with Environmental Co-benefits</p> <p>Aaron Citron assigned to further adjust between meetings and will get info into the sheet by the 11.30 deadline.</p> <p>Legislative - vote</p>	<p>11/16 Discussion – Aaron agreed with some of the updated language suggested in the document that makes the intent clearer. Specifically on the transit loss language.</p> <p>Andy hears a lot of push from the public to implement standalone shepherding to the state line – in that case he would only support it as part of a proactive part of a program.</p> <p>Aaron agrees that this should be a condition of a larger program – rather than a program in and of itself. At a minimum this should be included as a narrative.</p> <p>Jackie mentioned the option of including this and Consumptive use as a criteria.</p> <p>This one could be tricky as it relates to interstate negotiations.</p>		



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Q	Long-term Outlook for 10-year Total Flow at Lee Ferry	11/16 Discussion -	11/16 - Recommendation to add this to the report as a resource or narrative Randi Kim will work on language – with help from Steve Wolff and Kyle Whitaker	
R	Numeric Goals for Demand Management	11/16 Discussion -		11/16 - The group decided not to move this forward as a recommendation
S	Measurement Tools Randi Kim will work on language – with help from Kelly Romero-Heaney in gathering what is already being recommended elsewhere. Legislative - funding	11/16 Discussion – Kelly Romero-Heaney offered to go into the doc to add existing resources for the group’s consideration as this moves forward. Also she suggested it could be narrative but that ideally the outcome would be moved forward for funding as they are great drought resiliency tools Aaron - Suggested tools in the language talk about new/innovative tools – are there barriers to using these? (i.e. using satellite imagery) Instream ability to track water is also a key tool to focus on Lee – Measurement is the most important thing we can do – it gives us all better tools to do what we do. Lets show this as a high priority!		
T	Invasive Phreatophyte & Species Removal Kelly will follow up with Kate & Jordan at CDA. Randi can provide support Legislative - funding	11/16 Discussion – This will move forward for refinement and voting in the next meeting.		
U	Conserved Consumptive Use Andy will work on. Legislative - vote	11/9 Discussion - Within Colorado adopted for potential IR/ST purposes. -Intended to be broader than Demand Mgmt, apply to any water - Time-limited with 2026 - Legislative proposal but not for a program LOST VIDEO DURING THIS		



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		DISCUSSION – AUDIO WAS MAINTAINED – Siobhan stood up to act as camera so details of discussion can be found on whiteboards and recording as needed.		
V	<p>Systematic Water Conservation & Lower Basin Overuse</p> <p>Andy will adjust language to address the conversation today</p> <p>Legislative: non-binding resolution - vote</p>	<p>11/16 Discussion – Andy suggests we forward as a recommendation for a non-binding resolution rather than policy or legislation. Showing support for our interstate negotiators.</p> <p>Lee chimed in with support.</p> <p>Steve Wolf expressed a couple of concern around mainstem accounting – does this tie our hands. Politically will this tie the hands of our negotiators.</p> <p>Kyle – expressed the same concerns that Steve did.</p> <p>Orla – we all agreed lower basin needs to reduce its use – we need to make sure this does no harm before moving it forward.</p> <p>Jackie – like the idea of making a statement without it being binding. Can we get opinions from Becky – or can we take this outside of the TF and putting it forward in a different forum (as a group)</p> <p>Kyle – maybe we suggest to not draft it – leave the language to a later group.</p>		
W	<p>Municipal: Turf Removal</p> <p>Randi Kim will move this forward as needed between meeting. As a funding recommendation.</p>	<p>11/16 – TF decided to move this forward as a funding recommendation.</p> <p>Language should stress the need for funding to these programs – specifically that 2 million is not sufficient</p>		



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X	<p>Municipal: Advanced Metering Infrastructure</p> <p>Randi Kim – move forward as a recommendation but maybe as a funding recommendation and a narrative. Or maybe in the resources section. With help and comments from TF and Kelly Romero-Heaney offering other existing resources.</p>	<p>11/16 Discussion – this is a great tool but making it a requirement could be tricky – due to the heavy cost burden.</p> <p>Allison – suggests we create incentives as opposed to requirement.</p>		
Y	<p>Municipal: Direct Potable Reuse</p> <p>Alex will carry this forward as narrative and adjust language as needed between meetings</p>	<p>11/16 Discussion – Are there barriers aside from funding that would preclude municipalities from implementing this?</p> <p>Alex – none that are known right now, since they aren't yet in place</p> <p>Kelly – I would like to know if obstacles emerge – helpful for the state to know.</p> <p>Orla – this will be an important tool to have in our resiliency toolkit – not sure if we need legislation – but to include and put emphasis on its importance</p> <p>Aaron – maybe the recommendation will specifically explore any potential barriers so it can be a viable part of the toolkit</p>		