

February 18, 2009

Water Acquisition Committee  
Draft Conference Call Summary  
February 18, 2009

Participants: Matt Lindon, Brent Uilenberg, Gene Shawcroft, Andrew Gilmore (BOR-Loveland), Dan Luecke, Randy Seaholm, Ray Tenney, Tom Pitts, Michelle Garrison, Jana Mohrman, Angela Kantola, and Tom Chart.

Assignments are indicated by a “>” in the document.

*CONVENE 9:00 a. m.*

1. Discuss Utah’s ratification process for year-round subordination on the Green River (down to the Duchesne River) for fish flows – Matt Lindon said Utah has a new State Engineer (Kent Jones). They will brief him on this policy in the next few weeks, then send it out for public review. Kent has been working to amend the 1994 policy to extend the range downstream (formerly ended at Jensen) to the Duchesne River and make it year-round (see attached). Currently, this will be as gaged at Jensen, but if a gage is established at Ouray, that will help with gaging downstream. Dan Luecke asked if there are any rights that would be senior, but conditional. Matt said he didn’t believe so. Although they had considered extending the policy down to the confluence with the Colorado River, they believe things will go more smoothly if they take an incremental approach. Tom Chart asked if they could include some language in the third bullet to clarify the inclusion of the 1994 policy; Matt said he believes they can.
2. Review proposed payment for FY 08 Elkhead O&M costs during FY 09 and a FY 09 SOW - Ray Tenney said they’re still preparing a cost accounting, but hope to have it resolved next week. Brent noted the only O&M agreement we have at this point is the reservoir enlargement agreement, in which several details still need to be clarified to reflect actual as-built conditions. Therefore, we may need to put a cooperative agreement in place to make the payment (>Ray and Brent will work on this). Angela asked about Ray’s reference to 2007, noting she understood the Program would only be billed for 2008 operations and forward; Ray said he would check on this. A scope of work also should be prepared.
3. Discuss potential for a small effort for research to improve predictive capabilities to declare a surplus in the Green Mountain HUP - Brent Uilenberg outlined the two ideas that have been suggested, but noted that operation in 2008 was very smooth, and if that continued, these additional tools might be unnecessary.
  - a. Analysis of historic snow pack/soil moisture/base stream flow data to improve predictive capabilities of base flows at Cameo. The person with the National Weather Service who volunteered to do this unfortunately passed away, but there may be others at NWS who could work on this, or USGS may have capability, or Colorado, or BOR, or a consultant (Grand River has done a fair bit of the initial work and Riverside Technology has been working with the Colorado on similar forecasting).
  - b. Insurance pool, i.e. using some of the fish pool storage water (e.g., Ruedi, Wolford, and perhaps Williams Fork – at least through 2012) as insurance against earlier declaration and

releases of surplus Green Mt. Reservoir water. This has a number of institutional issues and would take some time to establish. Tom Pitts pointed out that this is sort of the “opposite” of the insurance pool for CFOPs.

Brent said he’s open to any other suggestions, as well. They’ve plotted the drawdown from Green Mountain over a series of low-flow drought years from 1977-1998; if the parties continue to trust that model, additional tools may not be needed. Tom Pitts recommended providing some documentation of the 2008 modeling and also pursuing the additional two items so that we’d have several possible tools in any given year. Dan Luecke agreed and suggested an ad hoc subcommittee of the WAC work with Brent on a scope of work for this. >Andrew and Michelle will prepare a rough draft scope of work for the forecasting analysis, then schedule a conference call with Brent, Tom and Dan. An insurance pool would need to be worked out among the HUP parties. Brent noted there may be water right implications. Randy said that it’s a matter of whether the water that has been stored is decreed for a use that’s compatible with delivery to the 15-Mile Reach; if the State Engineer says that’s so, then it’s just a matter of protecting the water to the 15-Mile Reach. Brent noted that the insurance water would be used to make good on shortage for irrigation or municipal water. . >Jana will coordinate a separate ad-hoc committee (from Denver Water, Reclamation Eastern Area Office, CRWCD, the Service, and Colorado SEO and CWCB) for this and also get it on the March HUP meeting agenda.

4. Discuss proposal to install new USGS Doppler gage on the Green River Bridge just below Ouray NWR – Jana discussed reinstating a gage on the Green River near the Ouray NWR would help evaluate how baseflow targets and daily and seasonal variability recommendations for the Colorado pikeminnow nursery area in Green River Reach 2 are being achieved. Currently, adherence to those recommendations is measured at the Jensen gage at the upstream end of the nursery habitat reach, ~40-50 miles upstream of the heart of nursery habitat. A gage at Ouray would provide a more realistic measure of flow conditions in the nursery habitat reach. The gage also will help defend the Ouray National Wildlife Refuge’s use of their water rights and allow them to document at what elevation and flows water enters their endangered fish ponds. And a gage may help the Refuge prepare for the flooding of grow out areas and breaching levees to certain elevations. In light of backwater conditions, USGS is considering a Doppler gage system. >Jana Mohrman will provide the Committee a draft 2009 scope of work (~\$34K for ’09 and ~\$15K annual O&M in ’10 and beyond) with an explanation with how a Doppler gage works attached (Dan e-mailed the group some information about how the Doppler shift gaged to the velocity of the water). Tom Pitts asked if Ouray NWR could contribute, since this will help protect their water rights; Jana will discuss this with Refuges. The Committee supported the idea and will discuss a scope of work further via e-mail.
5. Update on Duchesne transit loss study, potential cost-share w/ Water 2025 - Gene Shawcroft said the State Engineer had discussed determining losses between Starvation Reservoir and the Green River (90 miles) with water users, but the 2025 grant wasn’t pursued due to lack of non-federal cost-share funds (>\$100K needed). Therefore, it won’t be pursued this year, but the Duchesne Work Group will keep tabs on the possibilities. Tom Pitts concurred that a one-year transit loss study might provide only very limited information and added that we need to get some operational experience with the new Myton diversion structure in place first, anyway.
6. Review draft RIPRAP revisions and assessment (see Feb 7, 2009 e-mails to fws-coloriver listserv from Angela Kantola) – The Committee reviewed portions under I. Instream Flow

Identification & Protection. Dan Luecke asked why Orchard Mesa improvements didn't make the cut in the 10,825 alternatives study; Tom Pitts said the high cost and reliability of supply in dry years were problematic. The Granby alternative also has advantages for Grand County. Tom said OMID still may be pursued (and thinks the WAC should discuss that), but not as part of the 10,825 solution. Randy agreed and said the Salinity Control Program has been considering pipeline replacement for OMID. Brent said the OMID improvements are pretty well shovel-ready and they proposed this work under the economic stimulus package; >Brent will keep the Committee apprised of the status (and the Committee will reconsider options if stimulus package funds not received). Brent said the River District also is negotiating with the landowner on the re-regulation reservoir site.

On the Colorado River, row 46, the assessment note should read ~6,900 *af* not *cfs*.

With regard to CFOPs study (Colorado River, row 62), this was put on the back burner due to the priority of the 10,825 alternatives study (which has a PBO deadline); may be next late '09 or early '10 before that can be reinitiated.

Gunnison River, row 10: the draft Aspinnall EIS was sent out February 15.

Brent Uilenberg said he liked the format of the assessment incorporated as a column in the RIPRAP tables.

Review draft FY 10-11 Program Guidance (see Feb 7, 2009 e-mails to fws-coloriver listserver from Angela Kantola). The Committee reviewed portions under I. Instream Flow Identification & Protection. Under #71 CRDSS, we need to add that this will include initiating work on the Yampa depletion report per the PBO. The committee lists at beginning of the document need updating.

7. Discuss review schedule for report on USGS Sediment Monitoring and Evaluation Program on Colorado, Gunnison, Dusesne, and Green Rivers 2006 to 2008 (the raw data published in January 2009, Synthesis report due in early 2010) (Jana Mohrman) – Jana said that the WAC needs to recruit geomorphology peer review panel by June 2009 recruit for USGS FR Sed Mon 85f. Possibilities for the panel are; John Pitlick, Ned Andrews, Jack Schmidt, Robert Milhouse, Bill Trush. The review schedule is as follows:
  - Jun 30, 2009: report submitted for USGS supervisory and Recovery Program review
  - Jul 30, 2009: report to be submitted for technical review to peer reviewers (30 days) and Biology Committee/Water Acquisition Committee (45 days)
  - Aug 30, 2009: peer review due
  - Sep 15, 2009: Biology/Water Acquisition committees' reviews due
  - Oct 15, 2009: revised report to Biology/Water Acquisition committees for joint approval
  - Early 2010: after committee review, report to be submitted for USGS editorial process and posted to the USGS website early in 2010, and then it is citable and posted on the Recovery Program's website. Based on results of SIR report in summer 2009, Recovery Program will discuss need for additional work in FY 2011 and beyond.

Tom Pitts expressed concern that John Pitlick might not be able to provide a timely review. Bob Mussetter and Mike Harvey from Mussetter Engineering in Fort Collins might be good

reviewers. Tom Wesche of Habitec in Laramie, Wyoming would be excellent, as well (>Tom will send Jana his contact information). Tom Pitts and Randy Seaholm said they wouldn't mind having 5 peer reviewers on this. >Jana and the PD's office will begin contacting potential reviewers. Tom asked if the 2005 retrospective report is analysis or just data and if it's available online; >Jana will find out.

Matt Lindon added that Utah is working on a MODSIM-DSS water rights accounting model of the Green River from Flaming Gorge down to the Duchesne and will provide that to the Committee for their review this summer.

8. Schedule next conference call – July 16, 1:30 – 3:30 p.m. Agenda items will include review of scopes of work for the FY 10-11 work plan, scheduling review of the sediment monitoring report with the Biology Committee, and updates on OMID, HUP surplus, year-round subordination of Green River flows, and Utah's MODSIM-DSS model.

*ADJOURN 11:00 a.m.*

2009 AMENDED WATER RIGHTS POLICY  
REGARDING APPLICATIONS TO APPROPRIATE WATER AND CHANGE APPLICATIONS  
WHICH DIVERT WATER FROM THE GREEN RIVER

BETWEEN FLAMING GORGE DAM AND THE DUCHESNE RIVER

Salt Lake City, Utah: In 1988, the State of Utah entered into a cooperative agreement with the Department of Interior, the Western Area Power Administration, and the states of Colorado and Wyoming. This agreement put in place the Recovery Implementation Program for Endangered Fish Species in the upper Colorado River Basin (RIP). The objective of the program is to recover the four endangered species of fish (the humpback chub, Colorado pikeminnow, razorback sucker and the bonytail) while at the same time allowing the states to develop their compact entitlement to the waters of the Colorado River and its Tributaries. On November 25, 1992 the U.S. Fish and Wildlife Service, after consultation with the Bureau of Reclamation, the Utah Division of Wildlife Resources, the Colorado Division of Wildlife and others, issued the final Biological Opinion for the operation of Flaming Gorge Reservoir. The opinion concluded that the continued operation of Flaming Gorge Dam, as in the past, was likely to jeopardize the existence of the endangered fish species. The opinion recommended stream flows in the Green River for each season. The reasonable and prudent alternative (RPA) section of the Biological Opinion identified the flows needed to produce a natural hydrograph and temperature regime in the Green River and how Flaming Gorge Dam should be operated to meet these objectives. To further define and clarify the process outlined, the Recovery Program the Recovery Implementation Program Recovery Action Plan (RIPRAP) was developed in 1993 and update yearly.

In 1994 the State Engineer, after soliciting public input from stakeholders, adopted an Amended Policy to protect flows in the Green River from Flaming Gorge Dam downstream to the Duchesne River for the summer and autumn periods only, and remains in place. The Utah State Engineer examined alternative methods of flow protection, and concluded that the most appropriate alternative was the adoption of a policy that all new approvals be conditioned upon bypassing the required flows. Changes in Utah State Engineer Appropriation Policy did not affect existing water rights or approved applications but did impose limitations on either new applications to appropriate, or changes to existing water right applications. Considering Colorado Compact limitations, the physical availability of water and the opportunity for private land development, it appeared that adopting an appropriation policy to protect the flows released for the endangered fish species from Flaming Gorge to the Duchesne River would not unreasonably affect Utah's ability to utilize its Compact entitlement.

**Proposed Policy Amendment**

The current Appropriation Policy of the State Engineer in the Upper Colorado River Basins is to allow small applications for one family, 1/4 acre of irrigation and up to 10 livestock units. It is opinion of the State Engineer that the public interest will further be served by adopting an additional Amended Policy to protect flows in the Green River from Flaming Gorge Dam downstream to the Duchesne River for the **winter and spring** periods for the five different hydrological conditions, ranging from drought to flood stage, outlined in the Biological Opinion. To accomplish this, the State Engineer proposes the implementation of the following policy:

1. Approval of applications to appropriate water or change applications which transfer water rights into the affected reach, will be conditioned upon bypassing those flows required for the endangered fish, as set forth in the Biological Opinion, except as provided for under paragraph 2.
2. To meet future critical water needs in the area, an additional amount of flow for diversion totaling up

to 20 cfs year-round in the designated reach is set aside and not subject to this policy. Applications approved to utilize this twenty cfs will be administered according to their priority date, and will not be required to bypass flows for endangered fish.

3. All water rights established or applications approved prior to January 1, 2009 will not be subject to this policy.
4. The State of Utah, in cooperation with Recovery Program participants, will meet each year to review projected release patterns from Flaming Gorge Dam. The State Engineer will distribute the waters of the Green River in accordance with the respective priority dates of the water rights, and pursuant to the criteria set forth in this policy, to protect the flow regimes, which are agreed upon at these meetings.
5. In the administration and protection of the flows for the endangered fish species, all measurements will be at the Green River near Jensen gage (UGSC station number 09261000).

Please address any questions or comments concerning this Proposed Policy Amendment to:

Matt Lindon, P.E.,  
Assistant State Engineer – Technical Services  
Utah Division of Water Rights  
1594 West North Temple  
PO Box 146300  
Salt Lake City Utah 84114-6300

###