

April 2, 2009

**WATER ACQUISITION COMMITTEE
DRAFT CONFERENCE CALL SUMMARY**

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Participants: Brent Uilenberg, Andrew Gilmore (BOR-Loveland), Dan Luecke, Randy Seaholm, Linda Bassi, Tom Pitts, Jana Mohrman, Tom Iseman, Michelle Garrison, Matt Lindon, Angela Kantola, and Bob Muth.

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

CONVENE: 2:00 p.m.

1. Yampa River Instream Flows – Randy thinks the Yampa Management Plan is working very well and is not sure there’s a need to seek an instream flow filing on the Yampa River. However, do we need to consider Shell’s filing on the Yampa River, and based on this filing, should we reconsider the instream flow filing? How have Program participants responded? Jana asked if an instream flow filing would give the Program a better chance of objecting to future claims? Randy said it would be junior to Shell’s filing, but would make it easier for the state to get into the case. The Program would not be in the case. Linda added that it would be senior to any future filings, of course. Statements of opposition have been filed by the CWCB, Department of Interior and by Western Resource Advocates (with a larger group of environmental organizations). Jana doesn’t think the Service will be in the loop in the case, since Interior filed the statement of opposition based on other agency concerns. CWCB and CDOW raised issues about the endangered fish in their statements of opposition. The Committee discussed what impact Shell’s filing could have during the low flow period. The filing is downstream of the Maybell diversion, so Maybell doesn’t provide any protection. It’s unclear when the diversion would occur, but in light of the magnitude, it’s likely to be during peak flows. Linda will be meeting with Shell and will get the facts.

Bob Muth noted that the 93 cfs target in the Yampa Management Plan may not be sufficient to benefit the endangered fish and disadvantage smallmouth bass; instead Rick Anderson’s 200 cfs minimum base for native fishes may be closer to what’s needed. Bob said that based on recent experience with low flows and higher flows, we may need to re-evaluate Rick’s recommendations on the Yampa River. Bob Muth asked if different methodologies can be used for different rivers or if one methodology is required statewide. Randy said he thinks the Board would be open to different methodologies, though standards are helpful. Tom Pitts suggested that since we have a Management Plan and PBO that support 93 cfs, we would have difficulty filing for more than that. Linda said that if the methodology supported more, she thinks the Board could support it. Bob Muth asked if this could be tied to the Three Species Conservation Strategy. If we were to bring this forward, we would do so at the Board’s February 2010 workshop, then the filing would come before the Board for an appropriation in January 2011.

Bob Muth said he'd like to work with Randy and Linda to see how Rick Anderson's work could be used to establish flows for the fish community (i.e., not just the endangered fish, and separate from the Yampa Management Plan). Angela encouraged the group to keep the bigger question of how will the Shell filing (and potentially other future filings) affect recovery of the endangered fish in the Yampa River, particularly as it relates to nonnative fishes and the need to manage nonnatives with any tool we can (including flows), especially since the Yampa Management Plan and PBO were written before smallmouth bass exploded in the Yampa River. With regard to Bob Muth's suggestion, Linda said the Board could base an instream flow filing just on the native fishes. CDOW supports Rick Anderson's work and so could use it as a basis to recommend an instream flow filing. CWCB would then balance that recommendation with other considerations before making its filing. The Board would consider support/input from the Recovery Program in that process. Tom Pitts said he doesn't know whether the water users would support it., Randy said he thinks we need to have some more conversation about this with water users, within the Program and CDOW before moving forward in any way. >Board staff will begin outlining the specific options that we've begun to discuss today. Bob Muth offered to facilitate discussions between CDOW, CWCB, and Program folks to discuss scientific bases for a filing.

1. Suggestions for peer review panel for USGS Sediment Monitoring report – Jana said the PD's office plans to approach Mussetter Engineering, Tom Wesche, John Pitlick, Paul von Guerard, Kirk LaGory and Elen Wohl and then will let the Committee know who accepts.
2. Million Project – Jana mentioned the upcoming scoping meetings.
3. Reports – Jana noted that two WAC reports have been added to the Program's reports due list (one of which is the Sediment Monitoring report, which also will be reviewed by the Biology Committee).

The Committee approved the February 18 conference call summary as written and reviewed action items. Randy and Bob and Brent will work with Ray on Elkhead O&M costs and a scope of work. Michelle is working on the forecasting for with the River Forecasting Center to predict long range weather and flows intended to focus on the Colorado at and above the 15-Mile Reach. Andrew said a model for Green Mountain operations is a high priority for them. Matt Lindon said their new State Engineer is reviewing the subordination proposal and will send information to the Committee soon.

ADJOURN 3:03 p.m.