COLORADO WATER CONSERVATION BOARD Department of Natural Resources

John W. Hickenlooper, Governor Mike King, DNR Executive Director Jennifer L. Gimbel, CWCB Director

SENATE BILL 11-XXXX THE 2011 WATER PROJECTS BILL

Background

The General Assembly annually authorizes water project grants and loans from the Construction Fund and loans from the Perpetual Base Account of the State Severance Tax Trust Fund.

The CWCB Statewide Water Supply Initiative has determined that 200K to 600K acre-feet of additional M&I water will be needed by water providers by 2050.

The **Construction Fund** was created in 1971 to provide low-interest loans for water projects. The fund has financed up to 90% of engineering and construction costs for more than 400 locally sponsored water projects. The fund may also provide non-reimbursable investments.

The Construction Fund is a revolving loan fund that allows the CWCB to be self-supporting and operate without money from the General Fund. Revenues come from interest earned on outstanding loans and on the fund's cash balance in the state treasury, and royalty distributions from federal mineral leases (FML).

The Construction Fund's ability to support CWCB's operations and programmatic activities was significantly impacted by a \$10 million general fund transfer in FY08/09. Any future transfers could severely impact CWCB overall operations, non-reimbursable program, and its ability to provide loan funds.

The **Severance Tax Trust Fund Perpetual Base Account** was established by the General Assembly in 1997. Principal funding comes from the taxes paid by the producers of gas, oil, coal and other minerals.

This fund is also used for water supply project loans. The CWCB's ability to provide low interest loans for water projects was significantly impacted by a \$110 million General Fund transfer in FY08/09, FY09/10, and FY 10/11. Any future transfers could severely impact the overall CWCB water loan program.

FY 10/11, loan rates for both funds are:

2.75% for agricultural loans; to,4.0% to 5.25% for municipal loans; to,6.25% for commercial loans.

These rates are adjusted each fiscal year by the CWCB.

The CWCB is adjusting weekly to manage its available cash flow for new loans, non-reimbursable projects, and other projects at its bimonthly Board meetings



2011 Water Projects Bill Highlights

Provides over \$2.9 million for watershed protection, flood control programs, satellite monitoring of stream gauge systems, and other projects.

For more information, contact Tim Feehan at CWCB (303) 866-3441 x3211.

CWCB

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Recommended Non-reimbursable Investments

The CWCB accepts applications for non-reimbursable projects from the Construction Fund until August first of each year. Applications for non-reimbursable projects are accepted for:

- 1. Projects or studies of statewide impact or importance.
- 2. Feasibility studies and projects designed to address statewide, region-wide, or basin-wide issues. The Board examines whether such studies will result in new loans.

		Total	14,925,000
CWCB (Sec. 9) Purchase of Colorado's Allotment of A-LP Project Water	Allows for the appropriations of \$12 million towards the purchase of all or a portion of the State's A-LP project water. This would be the second \$12 million installment of the \$36 million authorized under HB 10-1250.	Statewide	\$12,000,000
CWCB (Sec. 8) Restoration of Litigation Fund Cash Balance	Restore funds to the CWCB Litigation Fund to assist in addressing legal issue associate compact compliance or any other litigation activities created under section 37-60- 121, Colorado Revised Statutes.	Statewide	\$700,000
CWCB (Sec. 7) Arkansas River Decision Support System (ArkDSS)	To begin the implementation of the ArkDSS as identified in the ArkDSS Feasibility Study. Initial implementation of the ArkDSS will include irrigated acreage mapping, parcel delineation, surface groundwater data collection and additional modeling		\$500,000
CWCB (Sec. 6) Water Conservation Data Tracking Project	To create a comprehensive database tool (s) to track demands, to include identification of conservation potential, and the identification of costs and benefits of water conservation, allowing water use and water conservation datasets and forecasting models to be preserved over time	Statewide	\$200,000
CWCB (Sec. 5) Restoration of Flood Response Fund Balance	Refresh fund created to respond to flood events by documentation, forecasting, post flood mapping and flood mitigation.	Statewide	\$300,000
CWCB (Sec. 4) Continuation of the Watershed Restoration Program	Continue to provide planning and engineering studies, including implementation measures, to address technical needs for watershed restoration and flood mitigation projects throughout the State. In FY08/09 this program leveraged one million of local funds.	Statewide	\$250,000
Local Communities (Sec.3) Continuation of the Floodplain Map Modernization Program	Assist communities to revise and improve floodplain studies and maps. Provides the required non-federal matching dollars that are further leveraged by local cost share and in-kind services. This Program leverages four million dollars in local and federal funds annually.	Statewide	\$500,000
CWCB (Sec.2) Continuation of the Weather Modification Program	Assist water conservation and conservancy districts with the development of cloud seeding programs to provide benefits to recreation, streams, and reservoirs through snowpack enhancement. This Program leverages \$200,000 in local funds annually.		\$175,000
Division of Water Resources (Sec.1) Satellite Monitoring	Appropriates funds to install, maintain, and operate satellite monitored stream gauges for water rights administration as statutorily authorized.	Statewide	\$300,000

Notes

Provisions included in the Statutes allow the CWCB to approve loans up to \$10 million without legislative authorization. A small project loan report detailing the 11 new loans and 2 loan increases made in 2010, valued at over \$20 million, will be presented to the House and Senate Agriculture Committees. Additional copies of the report are available upon request or at www.cwcb.state.co.us

In FY10/11 the CWCB will continue to monitor its cash available for new loans at its bi-monthly Board meetings.

1 2	1/3/2011
3	SENATE BILL 11-XXXX (Draft)
4 5	ВҮ
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7	AN ACT
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9	Concerning the funding of Colorado water conservation board projects and making appropriations
10	in connection therewith.
11 12	Be it enacted by the General Assembly of the State of Colorado:
12	De li enaciea by the General Assembly of the State of Colorado.
14	SECTION 1. Continuation of the Satellite monitoring system maintenance –
15	appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any
16	moneys in the Colorado water conservation board construction fund not otherwise appropriated, to
17	the department of natural resources, for allocation to the division of water resources, for the fiscal
18	year beginning July 1, 2011, the sum of three hundred thousand dollars (\$300,000), or so much
19	thereof as may be necessary, for renovation of existing gauging stations, replacement of outdated
20	collection platforms and upgrading of transmission components of the satellite monitoring system
21	established and operated pursuant to section 37-80-102 (10), Colorado Revised Statutes, stream
22	gauge flood hardening projects and data collection efforts related to flood forecasting and warning.
23 24	(2) The moneys appropriated in subsection (1) of this section shall remain available for the
24 25	designated purposes until they are fully expended.
23 26	designated purposes until they are fully expended.
20 27	SECTION 2. Continuation of the weather modification program – appropriation. (1)
28	In addition to any other appropriation, there is hereby appropriated, out of any moneys in the
29	Colorado water conservation board construction fund not otherwise appropriated, to the department
30	of natural resources, for allocation to the Colorado water conservation board, for the fiscal year
31	beginning July 1, 2011, the sum of one hundred seventy five thousand dollars (\$175,000), or so
32	much thereof as may be necessary, for the board to continue to assist water conservation districts,
33	water conservancy districts, and other water providers with the development of cloud seeding
34	programs that provide benefits to recreation, streams, and reservoirs through snowpack
35	enhancement.
36	
37	(2) The moneys appropriated in subsection (1) of this section shall remain available for the
38 39	designated purposes until they are fully expended.
40	SECTION 3. Continuation of the Colorado floodplain map modernization program –
41	appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any
42	moneys in the Colorado water conservation board construction fund not otherwise appropriated, to
43	the department of natural resources, for allocation to the Colorado water conservation board, for the
44	fiscal year beginning July 1, 2011, the sum of five hundred thousand dollars (\$500,000), or so
45	much thereof as may be necessary in order to restore the unencumbered balance to five hundred
46	thousand dollars (\$500,000), for the board to continue to assist with the preparation of revised and

improved floodplain studies and maps for communities throughout Colorado and participate in
 federally sponsored floodplain map modernization activities.

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4 (2) The moneys appropriated in subsection (1) of this section shall remain available for the 5 designated purposes until the project is completed.

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7 **SECTION 4.** Continuation of the watershed restoration program – appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the 8 Colorado water conservation board construction fund not otherwise appropriated, to the department 9 of natural resources, for allocation to the Colorado water conservation board, for the fiscal year 10 beginning July 1, 2011, the sum of two hundred fifty thousand dollars (\$250,000), or so much 11 thereof as may be necessary, for the board to continue to provide planning and engineering studies, 12 including implementation measures, to address technical needs for watershed restoration and flood 13 mitigation projects throughout the state. 14

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(2) The moneys appropriated in subsection (1) of this section shall remain available for the
 designated purposes until they are fully expended.

SECTION 5. Restoration of the flood response fund balance. (1) The state treasurer shall transfer a total of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, from the unreserved cash in the Colorado water conservation board construction fund to the flood response fund created in section 37-60-123.2, Colorado Revised Statutes, in order to restore the unencumbered balance in the flood response fund to three hundred thousand dollars (\$300,000).

(2) The moneys appropriated in subsection (1) of this section shall remain available for the
 designated purposes until they are fully expended.

29 SECTION 6. Water conservation data tracking project – appropriation. (1) In 30 addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department 31 of natural resources, for allocation to the Colorado water conservation board, for the fiscal year 32 beginning July 1, 2011, the sum of two hundred thousand dollars (\$200,000), or so much thereof as 33 34 may be necessary, for the board to create a comprehensive database tool(s) to track demands, to include identification of conservation potential, and the identification of costs and benefits of water 35 conservation, allowing water use and water conservation datasets and forecasting models to be 36 preserved over time. 37

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39 (2) The moneys appropriated in subsection (1) of this section shall remain available for the40 designated purposes until they are fully expended.

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42 **SECTION 7.** Arkansas river decision support system - appropriation. (1) In addition to 43 any other appropriation, there is hereby appropriated, out of any moneys in the Colorado water 44 conservation board construction fund not otherwise appropriated, to the department of natural 45 resources, for allocation to the Colorado water conservation board, for the fiscal year beginning 46 July 1, 2011, the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be 47 necessary, for the board to begin implementation of the Arkansas River Decision Support System

- (ArkDSS) as identified in the ArkDSS Feasibility Study, which is part of the overall Colorado
 Decision Support System. Initial implementation of the ArkDSS will include irrigated acreage
 mapping, parcel delineation, surface and groundwater data collection, and additional modeling.
- 5 (2) The moneys appropriated in subsection (1) of this section shall remain available for the 6 designated purposes until they are fully expended.
- 8 **SECTION 8. Restoration of litigation fund cash balance.** (1) The state treasurer shall 9 transfer a total of seven hundred thousand dollars (\$700,000) or so much thereof as may be 10 necessary, from the unreserved cash in the Colorado water conservation board construction fund to 11 the litigation fund created in section 37-60-121 (2.5), Colorado Revised Statutes.
- (2) The moneys appropriated in subsection (1) of this section shall remain available for thedesignated purposes until they are fully expended.
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16 SECTION 9. Purchase of Colorado's allotment of Animas-La Plata project water -17 **appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any 18 moneys in the Colorado water conservation board construction fund not otherwise appropriated, to the department of natural resources, for allocation to the Colorado water conservation board, for the 19 fiscal year beginning July 1, 2011, the sum of twelve million dollars (\$12,000,000), or so much 20 thereof as may be necessary, for the purchase of all or a portion of Colorado's allotment of 21 22 Animas-La Plata project water, pursuant to section 39-29-109 (2) (a) (VIII) (B), Colorado Revised Statutes. This would be the second \$12,000,000 installment of the \$36,000,000 authorized under 23 House Bill 10-1250 for the purchase of all or a portion of Colorado's allotment of Animas-La Plata 24 25 project water. 26

(2) The moneys appropriated in subsection (1) of this section shall remain available for the
 designated purposes until they are fully expended or until June 30, 2015, whichever comes first.

30 SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares
 31 that this act is necessary for the immediate preservation of the public peace, health, and safety.

`Water Project Construction Program – Project Data

Applicant: Division of Water Resources and Colorado Water Conservation Board

Project Name:Satellite-linked MonitoringProject Type:DWR StreamSystem and Stream Gage Refurbishment program			
County: Statewide	Drainage Basin: Statewide Drainage Basins	Water Source: N/A	
Total Study Cost: \$300,000		Funding Sources: CWCB	
CWCB Investment: \$300,000	Interest Rate: N/A	Term: N/A	

This project entails the continued, long-term operational viability of the State Satellite Linked Monitoring System and Stream Gage Refurbishment Program, which is administered by the Division of Water Resources (DWR). This program encompasses over 500 satellite stream gaging stations which require continued replacement of outdated data collection platforms, upgrades to transmission components, and refurbishment of the associated infrastructure. In addition, many existing gaging stations need to be modified to provide critical stream flow data for flood warning and low flow monitoring. Changes in technology, which will ultimately



increase reliability and real time data transmission rates, will require the DWR to continue to upgrade the system in the future. The costs associated with the continued refurbishment and operational viability of the system is approximately \$300,000 per year.

Crystal River DWR/CWCB Satellite Gage

Water Project Construction Program - Project Data

Non-Reimbursable Investment

Grantee: Colorado Water Conservation Board

Project Name: Weather Modification - Water User Cost Share Assistance

Project Type: Grants for operations, grants and technical assistance to optimize wintertime cloud seeding programs

Drainage Basin: San Juan, Gunnison, Colorado	Water Source: Colorado River Basin
Total Project Cost: \$650,000 (Annual Total Avg.)	Funding Source: CWCB Const. Fund
Type of Grantee: State to Local Governments	CWCB Non-Reimbursable Inv.: \$175,000

SUMMARY

The CWCB has authority to permit and regulate weather modification operations in Colorado (C.R.S 36-20-101 through 36-20-127). The CWCB also has authorities to aide in the water development. In section 36-20-108(4)(b) it states that "The director may represent the State and assist counties, municipalities, and public agencies in contracting with commercial operators for the performance of weather modification or cloud seeding operations." This request is to cost-share in the development of wintertime cloud seeding programs. Statutes also state there is a State role in technological advancements. The Grand Mesa, Gunnison Basin, Upper Roaring Fork River Basin, main-stem of the Colorado River and Southwest River Basins all benefit from cloud seeding for additional snowpack. Water augmentation agreements between the CWCB, the State of New Mexico, and three Colorado River Basin Water Users were developed in 2007 to support Colorado's cloud seeding programs. Similar agreements are in place in Utah and Wyoming. To help with technological advancements the CWCB has been partnering with the Desert Research Institute in Reno, Nevada. DRI went to remote operated (cellular communication) generators in 1975 in order to reliably release the silver iodide seeding material near clouds. Research has shown that the 700Mili bar level or near the 10,000

foot elevation level is preferable to site cloud seeding generators to get in the low level steering winds and reliably get silver iodide into winter storm systems. At right is Colorado's first remote operated generator at the Grand Mesa program. In the picture the old manual operated generator is tan (right), a propane tank (middle), and Colorado's first remote operated generator (green) are shown. This picture illustrates a thirty five year advancement in technology. Staff believes equipment like this will help build confidence in our programs and their effectiveness. This has become an issue of statewide and regional significance.

Approximately \$3.3 million has been spent on wintertime cloud seeding in the last five years with 60% of the funding from ski areas, local water users, and local governments. The other 20% is from the CWCB and the other 20% is from the Southern Nevada Water Authority, Central Arizona Water Conservation District, California Six Agency Committee, and the New Mexico Interstate Stream Commission. Each year the out-of-state agencies are very interested in the CWCB and local expenditures before they sign agreements and give donations to the CWCB to dispense to

local project sponsors of cloud seeding programs.

Recent accomplishments with funding from these five states are: new specialized weather stations to guide decisions for the Grand Mesa, at Purgatory Ski Area, Winter Park Ski area, and Telluride Ski Area. New remote operated cloud seeding generators at: Cedaredge above the Water Treatment plant, on Mancos Mountain in the San Juan Mountains, and west and north of Winter Park Ski Area. Funding also extends the length of time of operations into February. A recent CWCB sponsored study by HDR Engineering managed by USBR showed that February is a crucial month for cloud seeding in Colorado. Finally, the CWCB has spearheaded an initiative to use a Liquid Propane Dispenser operationally on the Grand Mesa. A USBR randomized experiment in 2004 on the Wasatch Plateau in Utah showed that L.P. Dispensers are effective for cloud seeding and work at warmer temperatures than traditional ice nuclei generators that use



silver iodide. If current climate change modeling predictions come to fruition this type of technology may be useful at ski areas and in southwestern Colorado where the forecasted warmer temperatures can shrink the window of opportunity for traditional cloud seeding. At right is the L.P. dispenser on the Grand Mesa operational since 2007.



County: Statewide

Applicant: Colorado Water Conservation Board	County: Statewide
Project Name: Colorado Floodplain Map Modernization	n Program
Project Type: Matching Funds for Federal Grants	
Drainage Basin: All River Basins in Colorado	Water Source: N/A
Total Project Cost (Annual): \$1,900,000	Funding Source: CWCB Const. Fund
Type of Grantee: State Government	

CWCB Non-Reimbursable Inv.: \$500,000 (up to)

Colorado has received over \$8.4 million in federal grant dollars for floodplain mapping activities as part of the floodplain Map Modernization Program (Program) initiated by FEMA in 2003. The FEMA funds are being matched by CWCB and local cost-share dollars to implement the map update work to create new digital countywide maps. The initial Program funds authorized in the 2003 and all subsequent Construction Fund Bills have provided the required non-federal matching dollars (80/20 cost share program). The State funds are further leveraged by local cost share dollars and in-kind services from many communities thus far. The total funding amounts have been instrumental in keeping Colorado as a lead state within FEMA Region 8 and will continue to benefit Colorado communities in the future. It is expected that significant FEMA funding will continue as long as the Program exists. Program deliverables will become part of the Flood DSS system to increase data capture and enhance Colorado's decision support tools.

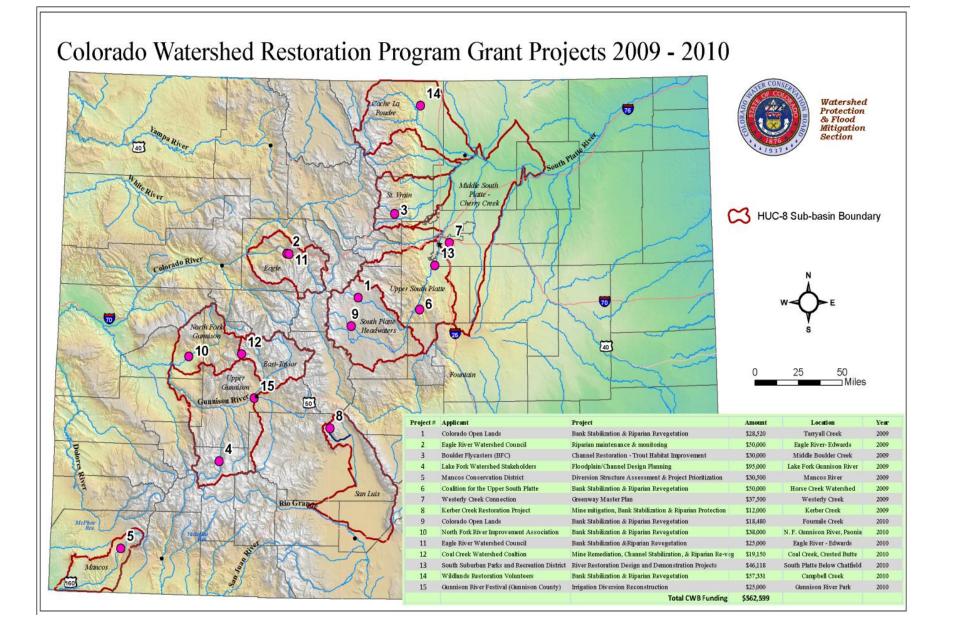
The Program will eventually impact the entire state, and the objective is to develop updated <u>countywide</u> floodplain maps using current base map information within a digital environment. The use of GIS technology will be employed for all new countywide studies for ease of distribution, updating and viewing. The table below summarizes funding provided by the CWCB and FEMA/Local governments for CWCB managed projects (in progress or completed).

COUNTY	CWCB Funds	FEMA/Local Funds	<u>COUNTY</u>	CWCB Funds	FEMA/Local Funds
Archuleta	\$71,000	\$228,760	Mesa	\$33,960	\$435,780
Boulder	\$17,807	\$524,709	Montrose	\$60,376	\$241,503
Clear Creek	\$2,950	\$158,605	Montezuma	\$53,000	\$452,735
Chaffee	\$44,000	\$399,290	Morgan	\$25,000	\$270,700
Delta	\$21,630	\$277,763	Park	\$18,800	\$165,200
El Paso	\$75,635	\$1,332,030	Pitkin	\$20,772	\$466,388
Elbert	\$141,548	\$301,982	Prowers	\$76,605	\$691,024
Fremont	\$23,294	\$146,240	Pueblo	\$71,768	\$945,902
Garfield	\$29,912	\$325,000	Rio Grande	\$58,300	\$152,810
Gunnison	\$79,250	\$272,422	Summit	\$21,098	\$189,876
La Plata	\$74,200	\$391,910	Teller	\$23,100	\$207,900
			Weld	\$112,419	\$658,530

Grantee: Colorado Water Conservation BoardCounty: StatewideProject Name: Colorado Watershed Restoration ProgramProject Type: Watershed Protection and Flood MitigationDrainage Basin: All River Basins in ColoradoWater Source: N/ATotal Project Cost: up to 50% cost shareFunding Source: CWCB Const. FundType of Grantee: State GovernmentCWCB Non-Reimbursable Inv.: \$250.000

SUMMARY

The Program objective is to provide funding for watershed restoration studies and projects. Special consideration is given to projects that reduce flood hazards, protect infrastructure, and increase benefits for water supply. Past projects successfully completed with aid from the Construction Fund include channel stabilization and restoration on Middle Boulder Creek, Tarryall Creek, and Squirrel Creek in the Rio Grande Basin. Program funding has also been used in conjunction with funding from the Water Quality Control Division to develop a Measureable Results Program (MRP). Studies and projects resulting from this program can have far reaching benefits for water supply (e.g. SWSI), flood protection, enhancement of aesthetic and environmental quality, recreation, and increased economic benefit. The CWCB has not had access to a regular and reliable source of funding for this Program in past years. Instead, special allocations on an annual basis from Severance Tax and Construction Fund investments have provided support for the Program. The Program has funded 15 projects since the first grant cycle in January 2009. Total funding exceeds \$560,000. The projects have leveraged \$5 for every \$1 contributed by the Program. Ten of the fifteen projects funded have been mapped with focus areas identified in the Non-Consumptive Needs Assessment. The Program is intended for statewide benefit. The map below displays projects funded since 2009.



Grantee: Colorado Water Conservation BoardCounty: StatewideProject Name: Colorado Flood Response Program FundProject Type: Program Funds for post event floodplain mapping, flood forecasting, aerial
photography, flood mitigation and flood documentationDrainage Basin: All River Basins in ColoradoWater Source: N/ATotal Project Cost: \$300,000Funding Source: CWCB Const. FundType of Grantee: State GovernmentMedian Household income: N/A

CWCB Non-Reimbursable Inv.: \$300,000 (refresh up to) **Interest Rate**: N/A

The CWCB and General Assembly authorized \$150,000 for the Flood Response Program Fund

Term: N/A

(Fund) in the 2001 Construction Fund Bill. The Fund was created to give the CWCB the ability to quickly respond to events and have program funds for: flood documentation, flood forecasting and outlooks, post event floodplain mapping, aerial photography, and flood mitigation. This amount was increased in the 2007 Construction Fund Bill to \$300,000 to reflect the increased cost of performing existing functions plus the added services. Previous separate accounts for the added services were rolled into the Fund for the sake of efficiency and accountability.

The current request is to once again refresh the Fund up to \$300,000 for FY 11/12 for: 1) preparation of flood documentation reports for actual events, 2) contract with consulting firms for flood forecasting and weather outlooks during the spring/summer flood season, plus a web-based daily flood threat bulletin, 3) ongoing work and increased demand for evaluating and producing 100-year flood and debris flow hazards in areas affected by natural disasters, 4) assist in flood mitigation activities in communities where flood loss reduction is needed, and 5) develop on-call services for digital/aerial imagery and mapping for post-flood documentation/flood hazard identification. Staff recently added capabilities to enhance the NWS products and to provide regional flood outlooks. There is a growing need to re-evaluate flood hydrology, hydraulics, and levees for use in floodplain studies across as well. **There have not been large flood disasters recently, so Staff has responsibly used the Fund to keep funds in reserve as needed and recognizes that the fully authorized amount would be used during major flood years.**

Recent Fund expenditures included tasks relating to flood research, flood forecasting, flood documentation, operating expenses for flood response activities, landslide related flood monitoring, flood mitigation and preparedness activities, and design for emergency flood preparations. The total expenditures since FY06 are \$700,000. The remaining funds were not used in order to leave funds in reserve in the event that a major flood took place, which didn't happen during this time.

Applicant: Colorado Water Conservation Board	County: Statewide		
Project Name: Water Conservation Data Tracking In	frastructure Project		
Project Type: Mixed- Study, improved use of data, and development of tool and resources			
Drainage Basin: All River Basins in Colorado	Water Source: N/A		
Total Project Cost (Annual): \$200,000	Funding Source: CWCB Const. Fund		
Type of Grantee: State Government			

CWCB Non-Reimbursable Inv.:

To better understand Colorado's future water supply needs and options, more local information must be incorporated into demand forecasts. At present time, a lack of coordinated data gathering and lack of knowledge of what types of data that need to be collected are obstacles to better water supply and demand planning. Two areas that fit within this data gap are economic evaluations of water conservation measures and savings as well as the potential of water conservation in water supply planning.

More information regarding the economics of water conservation, particularly as compared to other alternatives for developing new water supplies, would assist local, regional, and statewide planning efforts. Many economic evaluations of conservation neglect to include all of the potential benefits and costs associated with reducing future demand.

In order to fully integrate water conservation measures and savings into overall water resource planning, the costs and benefits of water conservation need to be evaluated. Investigating current costs of water conservation measures, the full range of benefits of reduced demands and how water conservation savings and costs operate over time will be crucial to future successful water conservation planning efforts.

The water conservation strategies and potential savings, outlined in the 2010 SWSI Update, can be further refined and adapted as new information and water use data becomes available. The BNDSS provides the framework for housing such data and making it easily accessible for future planning initiatives. However, the type of and the form of the data is critical to refining and improving the State's understanding of the role of urban conservation in meeting Colorado's future water supplies. This project is necessary for the creation of expanded and comprehensive database tools to track demands, evaluate supply needs, and identify conservation potential. Water use and water conservation datasets and forecasting models should be preserved over time so that future SWSI efforts need not "re-invent the wheel" once again. Additionally, Colorado's new water data reporting rule (HB1051) presents a unique opportunity to improve on future planning efforts. As a pre-cursor to the full implementation of HB1051, new datasets, evaluation and forecasting tools can help define the data collection process. Through these efforts, a better understanding of Colorado's water use and supply needs can be established.

Applicant: Andy Moore for CWCB

Project Name: Arkansas River Decision Support System **Project Type:** Water Resources Planning Study

County: Numerous Drainage Basin: Arkansas River Water Source: Arkansas River and tributaries

Total Study Cost: ~\$5 million to \$10 million, requesting \$500,000 with this application

Funding Sources: CWCB Construction Fund

Type of Applicant: Grant

Median Household Income: N/A

CWCB Investment: Currently \$200,000. In SB 07-122 the General Assembly provided \$200,000 to conduct the feasibility study, which is underway and will be completed in February 2011.

Past use of the Funds: No existing funds have been expended. The feasibility study will identify a proposed alternative with costs for an ArkDSS. Based on needs identified early in the feasibility study, as well on experience with previous DSSs developed in Colorado, the total cost is anticipated to be from \$5 million to \$10 million.

Current Request: This request is for funding to begin the ArkDSS, with emphasis on data collection and other activities that will support further development. For FY 2011/2012, an appropriation of \$500,000 is being sought from the Construction Fund to begin implementation of ArkDSS.

Applicant:	Ted Kowalski, CWCB		
Project Name:	Litigation Account Project		
Project Type:	Cash transfer to the Litigation Ac	count	
County:	Statewide	X	
Drainage Basin: This account has been used, and will likely be used in the future, to benefit each and every basin within Colorado.			
Water Source:	various	Total Study Cost:	\$ 700,000
Funding Source	es: Construction Fund	Type of Applicant:	Government
Median Household Income: N/A CWCB Investment: \$700,000			\$700,000

Background: Section 37-60-121(2.5) provides that the Colorado Water Conservation Board is authorized "to expend, pursuant to continuous appropriation and subject to the requirements of paragraph (b) of this subsection (2.5), a total sum not to exceed the balance of the litigation fund, which is created, for the purpose of engaging in litigation...to defend and protect Colorado's allocations of water in interstate streams and rivers..." Paragraph (b) of section 121(2.5) provides: "pursuant to the spending authority set forth in paragraph (a) of this subsection (2.5), moneys may be expended from the litigation fund at the discretion of the board if: (I) with respect to litigation, the Colorado attorney general requests that the board authorized the expenditure of moneys in a specified amount not to exceed the balance of the fund for the costs of litigation associated with one or more specifically identified lawsuits meeting the criteria set forth in paragraph (a) of this subsection (2.5)." In addition, Section 121(2.5) states: "the Board, in conjunction with the attorney general, shall report annually to the senate agriculture, natural resources, and energy committee and the house of representatives agriculture, livestock, and natural resources committee on any litigation that involves the use of any moneys from the litigation fund created in paragraph (a) of this subsection (2.5)." The fund level has varied between \$4 million and \$1 million. Past boards have refreshed this account, as necessary.

Discussion: This matter is of great importance to the State. It allows the State to adequately protect Colorado interests involving litigation related to interstate and federal matters, and in particular, Colorado's interests associated with the Colorado River resources. Without adequate resources, Colorado's ability to fully use its compact entitlements could be at risk.