

## AGENDA

Special Water Committee  
Meeting and Public Hearing

Wednesday, November 3, 1999  
10:00 a.m. to 5:00 p.m.

State Capitol Building  
House Committee Room 0107  
Denver, Colorado

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### *Call to Order*

#### **I. Opening Remarks from the Chairman**

#### **II. By-pass Flow Provisions in the White River National Forest Management Plan**

- *Bennett W. Raley, Trout & Raley, P.C., and Chair of the 1997 Federal Water Rights Task Force*

#### **III. Overview of Research on Forest Management and Water Yields**

- *Chuck Leaf, Platte River Hydrologic Research Center*

#### **IV. Upper South Platte Watershed Protection and Restoration Project**

- *Rocky Wiley, Manager of General Planning, Denver Water*
- *Chuck Dennis, Wildfire Mitigation Hazard Coordinator, Colorado State Forest*
- *Fred Patton, Project Leader, United States Forest Service*

#### **V. Federal Wild and Scenic Designation of the South Platte River**

- *Charlie Jordan, Director of Public Affairs, Denver Water*

### *Lunch*

#### **VI. Committee Discussion of Draft Legislation**

#### **VII. Public Testimony**

#### **VIII. Final Action on Draft Legislation**

### *Adjourn*

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STAFF SUMMARY OF MEETING

COMMITTEE ON SPECIAL WATER

Date:	11/03/99	ATTENDANCE	
Time:	10:17 AM to 03:05 PM	Gagliardi	X
		Paschall	X
Place:	HCR 0107	Taylor	X
		Young	X
This Meeting was called to order by		Evans	X
<u>Representative Hoppe</u>		Perlmutter	X
This Report was prepared by		Phillips	X
<u>Allison Pasternak</u>		Lamborn	X
		Hoppe	X

### 10:15 AM

Representative Hoppe, Chairman, called the meeting to order and welcomed the committee. Also in attendance were Mr. David Beaujon, Legislative Council Staff, and Mr. Tom Morris, Office of Legislative Legal Services.

### 10:17 AM -- Letter of Support for the Platte River Agreement

The committee discussed their letter of support to Governor Bill Owens for the Platte River Agreement. Mr. Kent Holsinger, Department of Natural Resources, commented on the committee's recommended changes to the letter.

### 10:39 AM -- By-Pass Flow Provisions in the White River National Forest Management Plan

Mr. Bennett Raley, Chairman of the 1997 Federal Water Rights Task Force, explained that by-pass flows put water to use by keeping it in the stream rather than diverting it. The federal government, through regulatory authority over federal forests, has required some water users to relinquish water rights for federal by-pass flows. The federal government used the by-pass flow water for forest health, ecosystem management, etc. He stated that the US Forest Service has by-pass flow provisions in its management plan for the White River National Forest.

Mr. Raley explained why by-pass flows do not work and provided an example. On the west slope, the Forest Service required a water user to give up a senior water right. They kept the water in the stream, but a downstream user diverted it. The result was that the senior water right holder did not use the water nor did the federal government. Yet, a junior water right holder diverted and used it. He pointed out that by-pass flows undermine the state's system of prior appropriation. He explained that the issue of federal by-pass flows may be settled in court. Mr. Raley responded to committee questions and distributed a document (attachment A).

### 10:59 AM -- Overview of Research on Forest Management and Water Yields

Mr. Chuck Leaf, explained 1) the history of water yield in the Platte River basin and 2) how much water certain managed watersheds are currently producing, have produced in the past and will produce in the future. His research shows that forest and watershed management, through the removal of trees, increases water yield -- the amount of water entering a stream from a watershed -- and improves forest health without damaging stream channels. Mr. Leaf has studied water yield under two conditions: 1) forest management through planned tree removal and 2) wildfire. A watershed's water yield depends on the amount of vegetation and maturity of the trees in the watershed. Older, mature trees use more water than younger, less mature trees. He stated that management practices, such as "patch cutting" trees, in the South Platte River's watershed would increase water yield to the river, improve forest health, and protect endangered species. He distributed two documents (attachments B and C) and responded to committee questions.

### 11:37 AM -- Upper South Platte Watershed Protection and Restoration Project

Mr. Rocky Wiley, Denver Water, distributed a document (appendix D). He told the committee about the Buffalo Creek fire, impacts from the fire, lessons learned, and watershed restoration and protection projects. The Buffalo Creek fire occurred in 1996 and burned 11,900 acres along the South Platte River.

Mr. Chuck Dennis, Colorado State Forest, stated that the Buffalo Creek fire encompassed two watersheds and caused major flood events. Mr. Wiley stated that debris in the creek was a problem following the fire and sedimentation is still impacting the creek, a reservoir, and water companies. Clean up efforts have been costly for water companies. Mr. Dennis stated that Colorado State Forest completed a study of the probability of catastrophic events occurring, such as pine beetle infestation, fires, and flooding. Mr. Dennis stated that they try to mitigate forest damage, yet understand that major events will happen. However, he pointed out that these events reflect how land is managed, and they will happen more often, with more intensity, unless there is cooperation to manage all lands (state, federal, and private).

Mr. Fred Patton, US Forest Service, stated that the federal government assessed restoration efforts in the South Platte River's watershed. He stated that the Forest Service is targeting areas that are vulnerable to fire. He explained their goals and restoration approaches.

### **12:13 PM**

Mr. Leaf responded to committee questions regarding water yield and Mr. Patton's presentation. Mr. Patton also responded to committee questions. He asked for the committee's support for his US Forest Service projects.

### **12:24 PM**

Lunch.

### **01:39 PM -- Federal Wild and Scenic Designation of the South Platte**

Charlie Jordan, Denver Water, provided a briefing on the South Platte River's possible Wild and Scenic designation (appendix E). Denver Water applied for a water storage reservoir, known as the Two Forks project, on the South Platte River. The project would supply drinking water to the Denver metropolitan area. He stated that many South Platte River users were in favor of the project; however, the US Environmental Protection Agency did not approve the project's application. Instead, the reach of river where the project would have been built became a potential site for federal Wild and Scenic River designation. No reservoir can be built if designation takes place. Mr. Jordan discussed a possible state-level South Platte Protection Plan rather than a federal Wild and Scenic designation. He stated that the state plan will provide more environmental protection and will allow for an alternative water storage and recreation project. He distributed a list of participants involved with the South Platte Protection Plan (appendix F). Mr. Jordan said that they are looking for alternatives to the Two Forks project and ways to work with federal agencies and South Platte River water users.

### **02:01 PM -- Public Testimony**

02:01 PM -- Mike Woodard, citizen representing himself, discussed the possibility of legislation that would establish distance requirements between water wells in the Denver Basin aquifer that are outside groundwater management districts.

02:04 PM -- Trudyen and Tom Laugen, citizens representing themselves, expressed concern about the town of

Elizabeth's water retention basin and the Safeway grocery store that are located uphill from their home. They told the committee that during major rainstorms, the town's retention basin overflows into Safeway's parking lot. Mr. and Ms. Laugen stated that Safeway has diverted the runoff into their pasture, flooding their field and barn. They have been unsuccessful at resolving this nuisance with Safeway and the town. They asked the committee for advice on what they should do to 1) stop their property from being flooded and 2) make sure the runoff is redirected to Gold Creek so it can be put to use.

### **02:19 PM -- Committee Discussion on Draft Legislation**

Representative Paschall distributed a draft bill to the committee (appendix G). The committee discussed the draft bill, and Representative Paschall concluded that it should not be moved at this time.

### **02:41 PM -- Letter of Support for the Platte River Agreement**

The committee made further changes to their letter of support to Governor Bill Owens for the Platte River Agreement. The committee signed a final version of the letter (appendix H).

### **03:05 PM**

The committee adjourned.