

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: July 14, 2010

Board Item: V-E-1

First Amendment to Memorandum of Agreement for the Interim Provision of Water to the 15-mile Reach of the Colorado River

Action by Consent

Action

Information

The U.S. Fish and Wildlife Service (Service) issued its Programmatic Biological Opinion (PBO) for the four species of the Upper Colorado River endangered fish in December 1999. The PBO was the result of two years of negotiations between the Service, the State of Colorado, the U.S. Bureau of Reclamation, the environmental community, and Colorado River water users. The PBO outlines actions for protection of the endangered fish in exchange for allowing Colorado River water users to continue existing diversions and up to an additional 120,000 acre-feet of future water uses to occur. The PBO requires water users to provide 10,825 acre-feet of water for the benefit of the endangered fish. This water obligation has been split 50/50 between East and West Slope users.

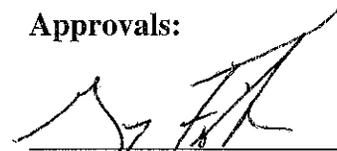
This First Amendment amends the Memorandum of Agreement between Denver Water, the Colorado Water Conservation Board (CWCB), and the Service. Denver agrees to continue for three more years releases of up to 5,412.5 acre-feet of water for the benefit of the fish in all but drought years from Williams Fork Reservoir, Dillon Reservoir, or its pool in Wolford Mountain Reservoir. The CWCB will take such action under state law as may be necessary to assure delivery of the released water to the 15-mile reach for the benefit of the endangered fish. The Service agrees to accept delivery of the water as fulfilling half of the water users' requirement to provide 10,825 acre-feet. The Colorado River Water Conservation District will amend its agreement to release the other half of the 10,825 acre-feet of water.

The water users have identified a permanent source of the 10,825 acre-feet of water required by the PBO and are in the process of obtaining the necessary permits for implementation. It is anticipated that a permanent source will be available for the Service by the summer of 2013.

Recommendation:

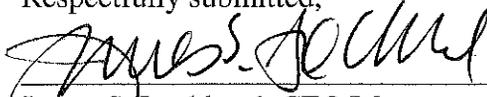
Staff recommends that the Board approve the attached First Amendment to the Memorandum of Agreement for the Interim Provision of Water to the 15-mile Reach of the Colorado River.

Approvals:


for Dave Little

Director of Planning

Respectfully submitted,



James S. Lochhead, CEO/Manager



General Counsel