

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: July 14, 2010

Board Item: V-E-2

**Interim Agreement for Participation in the 10825 Recovery Program**

Action by Consent

Action

Information

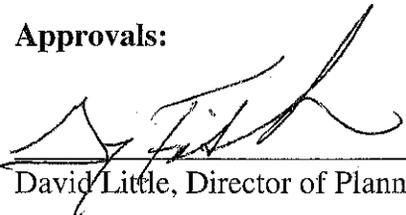
The U.S. Fish and Wildlife Service (Service) issued its Programmatic Biological Opinion (PBO) for the four species of the Upper Colorado River endangered fish in December 1999. The PBO was the result of two years of negotiations between the Service, the State of Colorado, the U.S. Bureau of Reclamation, the environmental community, and Colorado River water users. The PBO outlines actions for protection of the fish in exchange for Colorado River water users to continue with 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.

Denver Water entered into a 10-year Memorandum of Agreement (MOA) with the Service and the Colorado Water Conservation Board to release the East Slope's half of the water (5,412.5 acre-feet) from Williams Fork Reservoir, Dillon Reservoir, or Denver Water's pool in Woford Mountain Reservoir on a temporary basis. The MOA is being amended for an additional three-year interim period until a permanent source of water can be developed. The attached Interim Agreements allows Denver Water to recover from other East Slope water users the costs associated with releasing the water. The water users will be charged on a per acre-foot basis for water released and for any lost power revenue Denver Water may incur.

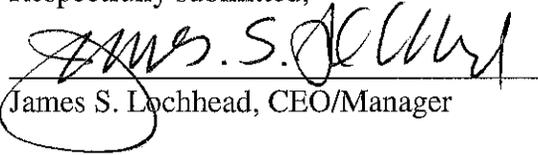
Recommendation:

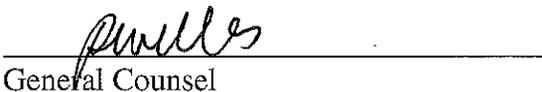
Staff recommends that the Board approves the attached Interim Agreement for Participation in the 10825 Recovery Program.

**Approvals:**

 *for Dave Little*  
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David Little, Director of Planning

Respectfully submitted,

  
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James S. Lochhead, CEO/Manager

  
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General Counsel