

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
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TO: Colorado Water Conservation Board Members

FROM: Jeff Baessler
Stream and Lake Protection Section

DATE: March 6, 2008

SUBJECT: **Agenda Item 21, March 17-18, 2009, Board Meeting**
Stream and Lake Protection Section – 2010 Instream Flow Appropriations

Bill Ritter, Jr.
Governor

Harris D. Sherman
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Dan McAuliffe
CWCB Deputy Director

Summary

This memo provides the Board with notice of 54 new instream flow recommendations that will be processed by staff for possible inclusion into the Instream flow and Natural Lake Level Program in 2010.

Background

On February 24, 2009, Staff held its annual Instream Flow Workshop at the REI Flagship Store in Denver. The meeting was well attended by over 40 individuals including staff, five CWCB Basin Directors and representatives from the CDOW, BLM, Trout Unlimited, USFS, Huerfano County, Denver Water, Colorado Water District, Colorado Water Trust, City of Greeley, Western Resource Advocates, and others.

The objective of the workshop was to allow stakeholders an opportunity to present stream and lake recommendations to staff and the Board for inclusion in the Instream Flow and Natural Lake Level (ISF) program in 2010. Each entity was given an opportunity to provide specific information regarding the natural environment to be protected and to discuss why protection is important for these particular streams. During the workshop, the Board and the public had the opportunity to raise questions and/or concerns regarding the recommendations. Under the Board's ISF Rules, the earliest that the Board could declare its intent to appropriate water rights on these streams is January 2010.

Below is the list of the streams that were discussed at the workshop and are being noticed for possible appropriation by the Board in January 2010. Information regarding these streams will be available for review on the Board's web site and will be periodically updated as new information becomes available. One can access the information by going to the Stream and

Lake Protection tab, followed by New Appropriations, Instream Flow Appropriation Notices, and then 2010 Proposed Appropriations.

Div	Stream Segment	County(ies)	Recommender(s)
1	Coal Creek (Boulder County Open Space Boundary to Louisville Wastewater Treatment outfall)	Boulder	City of Louisville, DOW
1	Coal Creek (Louisville Wastewater Treatment outfall to Lafayette pumping station #2)	Boulder	City of Louisville, DOW
1	Black Hollow Creek (headwaters to confl Poudre River)	Larimer	TU
2	Baldwin Creek (headwaters to Chalk Creek)	Chaffee	CDOW
2	Gibson Creek (headwaters to Verde Creek)	Custer	CDOW
2	Middle Creek (headwaters to Ophir Creek)	Custer / Pueblo	CDOW
2	Middle Creek (Ophir Creek to Beulah Water Works)	Custer / Pueblo	CDOW
2	Beaver Creek (Douglas Gulch to East Beaver Creek)	Fremont	CDOW
2	Beaver Creek (East Beaver Creek to Unnamed Tributary)	Fremont	CDOW
2	East Beaver Creek (Gould Creek to Beaver Creek)	Fremont	CDOW
2	Baker Creek (headwaters to USFS Boundary)	Huerfano	CDOW
2	Bonnett Creek (headwaters to USFS Boundary)	Huerfano	CDOW
2	Chaparral Creek (headwaters to USFS Boundary)	Huerfano	CDOW
2	Dodgeton Creek (headwaters to USFS Boundary)	Huerfano	CDOW
3	Mill Creek (USFS boundary to BLM boundary)	Saguache	BLM
4	Big Dominguez Creek (reaches pending Federal legislation)	Delta	CDOW
4	Little Dominguez Creek (reaches pending Federal legislation)	Delta	CDOW
4	Blue Creek (Increase to existing ISF right) (Little Blue Creek to Morrow Point Reservoir)	Gunnison	BLM
4	South Willow Creek (Sugar Creek to Blue Mesa Reservoir)	Gunnison	BLM
4	Alpine Gulch (headwaters to Henson Creek)	Hinsdale	BLM
4	Spring Creek (headgate Creede Trail Ditch to confl with Cebolla Creek)	Hinsdale	BLM
4	Cebolla Creek (Brush Creek to Spring Creek)	Hinsdale / Gunnison	BLM
4	Cebolla Creek (Spring Creek to USGS gage)	Hinsdale / Gunnison	BLM
4	North Fork Tabaguache Creek (headwaters to Tabaguache Creek)	Montrose	USFS
4	Red Canyon Creek (headwaters to Horsefly Creek)	Montrose	USFS
4	San Miguel River	Montrose	CDOW, BLM

	<i>(Calamity Draw to Dolores River)</i>		
4	Tabeguache Creek <i>(unnamed trib to Forest Service Boundary)</i>	Montrose	USFS
4	Tabeguache Creek <i>(confl Fortyseven Creek to Templeton Ditch)</i>	Montrose	BLM
4	Tabeguache Creek <i>(Templeton Ditch to confl San Miguel River)</i>	Montrose	BLM
4	Cochetopa Creek <i>(Nutras Creek to Pauline Creek)</i>	Saguache	BLM
4	Cochetopa Creek (Increase to existing ISF right) <i>(Alkali Creek to Tomichi Creek)</i>	Saguache / Gunnison	BLM
4	East Beaver Creek <i>(headwaters to Beaver Creek)</i>	Saguache	BLM
5	Colorado River <i>(Eagle/Grand Co. Line to Eagle River)</i>	Eagle	Eagle County
5	Eagle River (Increase to existing ISF right) <i>(confl Cross Creek to confl Gore Creek)</i>	Eagle	CDOW
5	Colorado River <i>(Blue River to Piney River)</i>	Grand / Eagle	CDOW
5	Colorado River <i>(Piney River to Eagle River)</i>	Grand / Eagle	CDOW
6	Indian Creek <i>(headwaters to confl headgate West Arapahoe Feeder Ditch 2)</i>	Jackson	BLM
6	North Fork North Platte River <i>(Headwaters to headgate Little Nellie Ditch)</i>	Jackson	BLM
6	South Fork Big Creek <i>(confl Wheeler Creek to Colorado-Wyoming Border)</i>	Jackson	BLM
6	Wheeler Creek <i>(Headwaters to South Fork Big Creek)</i>	Jackson	BLM
6	West Prong South Fork Slater Creek <i>(Headwaters to Decker Ditch)</i>	Moffat Routt	CDOW, TU
6	Big Beaver Creek (Increase to existing ISF right) <i>(Allen Creek to East Beaver Creek)</i>	Rio Blanco	BLM
6	Moeller Creek <i>(headwaters to confl Fawn Creek)</i>	Rio Blanco	CDOW
6	Piceance Creek <i>(confl with Dry Fork to Confl with White River)</i>	Rio Blanco	CDOW, BLM
6	Yellow Creek <i>(Springs in NWNE S12, T1N R98W, 6PM to confl White R.)</i>	Rio Blanco	CDOW, BLM
6	Grizzly Creek <i>(Unnamed tributary to USFS Boundary)</i>	Routt	CDOW, TU
6	Morrison Creek <i>(Muddy Creek to Silver Creek)</i>	Routt	DOW
6	Morrison Creek <i>(Silver Creek to Yampa River)</i>	Routt	DOW
6	Morrison Creek <i>(Dequine Ditch Alt Pt 1 to Yampa River)</i>	Routt	James Larson, Dequine Family L.L.C, Flying Diamond Resources
6	South Fork Slater Creek <i>(Headwaters to West Prong South Fork Slater Creek)</i>	Routt	CDOW, TU
6	South Fork Slater Creek <i>(West Prong South Fork Slater Creek to confl Slater Creek)</i>	Routt	CDOW, TU
6	West Prong South Fork Slater Creek <i>(Decker Ditch to South Fork Slater Creek)</i>	Routt	CDOW, TU
7	Animas River <i>(Minnie Gulch to Cunningham Creek)</i>	San Juan	BLM
7	Animas River <i>(Cunningham Creek to Arrastra Creek)</i>	San Juan	BLM

* CDOW (Colorado Division of Wildlife), TU (Trout Unlimited) and BLM (Bureau of Land Management)

It should be noted that the above recommendations either were received at the February 2009 workshop, or were carryover recommendations from previous years.

Staff will process these 54 segments during the next year. Staff will review, obtain, and develop information, and identify and attempt to resolve issues on each of these segments so that the Board can form its intent to appropriate instream flow water rights and make the necessary findings per Rule 5i. that 1) there is a natural environment to be preserved; 2) there is water available; and 3) the natural environment can exist without material injury to water rights.



WATER QUALITY / QUANTITY COMMITTEE (QQ)

Post Office Box 2308 • Silverthorne, Colorado 80498
(970) 468-0295 • Fax: (970) 468-1208 • email: QQwater@colorado.net

March 9, 2009

Ms. Jennifer Gimbel, Director
Colorado Water Conservation Board
1313 Sherman Street, Room 723
Denver, Colorado 80203

RECEIVED

MAR 13 2009

Colorado Water Conservation Board

Re: Potential Instream Flow Recommendation to the CWCB

Dear Ms. Gimbel:

Northwest Colorado Council of Governments QQ Committee ("QQ") is a member of the Stakeholder Group (SG) developing a local Management Plan (MP) to submit as an alternative in the Bureau of Land Management's (BLM) Wild and Scenic River Suitability Determination as part of its revision of the BLM's Resource Management Plan affecting the reach of the Colorado River beginning at Gore Canyon and extending downstream to the confluence with No Name Creek. While the SG has not yet approved the MP, members of the SG are submitting requests that the CWCB consider an instream flow recommendation on the Colorado River in all or part of the aforementioned reach. The SG anticipates that it will be able to provide CWCB staff and the Board sufficient information in the coming months so that the CWCB can form its intent to appropriate the recommended ISF water right(s) in early 2010.

As part of the basis for this pending ISF recommendation, the SG intends to conduct data collection and other studies on the Colorado River to supplement data and information already compiled by SG members. These studies include an instream flow study on the Colorado River for the aforementioned reach. The purpose of this instream flow study would be to identify a range of flows, for the reach of the Colorado River beginning at Gore Canyon and extending downstream to the confluence of the Eagle River, that would preserve the natural environment to a reasonable degree, and potentially flows that would improve the natural environment to a reasonable degree. This study would assist the SG in developing the MP flow targets needed to protect the Outstandingly Remarkable Values (ORVs) identified by the BLM and the corresponding ISF recommendation.

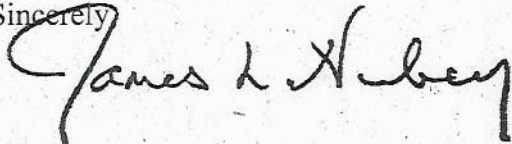
The Colorado Division of Wildlife's recent fish survey found twelve different species of fish within this reach of the Colorado River. These species include brown, rainbow and Colorado River cutthroat trout, mountain whitefish, bluehead, flannelmouth, white and longnose sucker, roundtail chub, mottled sculpin, speckled dace and northern pike. The natural environment within this reach of the Colorado River supports a high level of species diversity, including the species listed above as well as flow-dependent non-fish species and an outstanding trout fishery (exceeds the Gold Medal criteria established by the Colorado Wildlife Commission)

making it an excellent candidate for an instream flow appropriation. The SG believes the Board's instream flow program provides one of the mechanisms that will assist the SG in developing and implementing the proposed MP to provide meaningful protection of the identified ORVs.

The SG knows that this request will necessitate modifying the ISF Rule 5 instream flow appropriation procedural schedule, and that such a request would require the CWCB to expedite its process relating to new instream flow appropriations. However, if the SG does forward a recommendation to the Board, we believe that significant consensus will have been reached between the parties and individual member concerns will have been reduced, if not eliminated. The SG intends to provide the CWCB staff with additional information on the recommendation, including a biological analysis and water availability analysis, as the additional data is collected and analyzed. Thank you for your consideration.

If you have any questions regarding this request, please contact our QQ staff involved in the SG, Lane Wyatt at (970)-468-0295 ext 116.

Sincerely,

A handwritten signature in cursive script, reading "James L. Newberry".

James Newberry
QQ Chairman
Grand County Commissioner

Cc: CWCB Board Members
Ted Kowalski
Linda Bassi.



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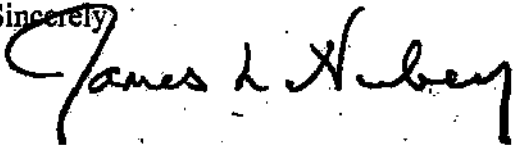
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Sincerely



James Newberry
QQ Chairman
Grand County Commissioner

Cc: CWCB Board Members
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