

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO:	Colorado Water Conservation Board Members	Bill Ritter, Jr. Governor
FROM:	Jeff Baessler Stream and Lake Protection Section	James Martin DNR Executive Director
DATE:	January 14, 2010	Jennifer L. Gimbel CWCB Director
SUBJECT:	Agenda Item 11a, January 26-27, 2010, Board Meeting Stream and Lake Protection Section – New Appropriation Recommendations in Water Divisions 1, 2, 4, 5, 6 and 7	

Summary

This memo outlines the history of ISF recommendations identified for appropriation in 2010 and provides an overview of the technical analyses that were performed by both the recommending entities and staff to provide the Board with sufficient information to declare its intent to appropriate in accordance with the Instream Flow Rules. Staff's detailed analysis of each stream contained in the "Instream Flow Recommendation Notebook," which was mailed separately, provides the technical basis for each appropriation.

Staff recommends that the Board declare its intent to appropriate 25 new instream flow water rights in Water Divisions 1, 2, 4, 5, 6 and 7 as identified in the attached tables.

Background

Pursuant to Rule 5d. of the Board's Instream Flow Rules, staff is requesting the Board to declare its intent to appropriate instream flow water rights on the stream segments identified in the attached tables. Staff has reviewed each proposed stream segment to ensure that for each instream flow recommendation, the data set is complete and standard methods and procedures were followed. In addition, staff has completed its water availability studies. Staff has identified 25 stream segments in Water Divisions 1, 2, 4, 5, 6 and 7 for which sufficient information has been compiled and analyses performed upon which the Board can base its intent to appropriate. These segments are located in Chaffee, Custer, Gunnison, Hinsdale, Jackson, Larimer, Moffat, Montrose, Pueblo, Rio Blanco, Routt, Saguache, and San Juan Counties. Letters and correspondence regarding some of these recommendations have been included in the Instream Flow Recommendation Notebook and are also available on the Board's web site.

It should be noted that although 52 recommendations either were received at the February 2009 workshop, or were carryover recommendations from previous years, only the attached 25 recommendations are being moved forward by staff at this time. The San Miguel River recommendation will be discussed in Agenda Item 11b. Staff has been unable to move forward on the remaining 26 stream segments because additional stakeholder discourse and/or additional

data collection and analysis are required. The following table identifies the streams that Staff will bring back to the Board at a future date.

Division	Stream Name	County (ies)	Recommender(s)
1	Coal Creek (Boulder County Open Space Boundary to Louisville Wastewater Treatment outfall)	Boulder	City of Louisville, CDOW
1	Coal Creek (to Louisville Wastewater Treatment outfall to Lafayette pumping station #2)	Boulder	City of Louisville, CDOW
2	Gibson Creek (headwaters to Verde Creek)	Custer	CDOW
2	Beaver Creek (East Beaver Creek to Unnamed Tributary)	Fremont	CDOW
2	East Beaver Creek (Gould Creek to Beaver Creek)	Fremont	CDOW
2	West Beaver Creek (Douglas Gulch to East 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 hdgt Harence Ditch)	Saguache	BLM
4	Big Dominguez Creek (Segment in Wilderness Boundaries)	Delta/Mesa	BLM
4	Little Dominguez Creek (Segment in Wilderness Boundaries)		
4	Tabeguache Creek (unnamed trib to Forest Service Boundary)	Montrose	USFS
4	North Fork Tabeguache Creek (headwaters to Tabeguache Creek)	Montrose	USFS
4	Red Canyon Creek (headwaters to Horsefly Creek)	Montrose	USFS
5	Eagle River (ISF Increase) (confl Cross Creek to confl Gore Creek)	Eagle	Town of Minturn, CDOW
5	Colorado River (Blue River to Piney River)	Grand/Eagle	CDOW
5	Colorado River (Piney River to Eagle River)	Grand/Eagle	CDOW
5	Colorado River (Eagle/Grand County Line to Eagle River)	Eagle	Eagle County
6	Moeller Creek (headwaters to confl Fawn Creek)	Rio Blanco	CDOW
6	Wheeler Creek (Headwaters to South Fork Big Creek)	Jackson	BLM
6	North Fork North Platte River (Headwaters to headgate Little Nellie Ditch)	Jackson	BLM
6	South Fork Big Creek (confl Wheeler Creek to Colorado-Wyoming Border)	Jackson	BLM
6	Piceance Creek (confl with Dry Fork to Confl with White River)	Rio Blanco	BLM, CDOW
6	Yellow Creek (Springs in NWNE S12, T1N R98W, 6PM to confl White R.)	Rio Blanco	BLM, CDOW

Technical Investigations

Staff's executive summary and technical analysis of each stream, contained in the Instream Flow Recommendation Notebook (mailed separately), forms the basis for staff's recommendations.

Natural Environment Studies

The Bureau of Land Management (BLM), Colorado Division of Wildlife (CDOW), and Trout Unlimited (TU) have conducted field surveys of the natural environment resources on these streams and have found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the recommending entities have collected biologic and hydraulic data that were analyzed by CWCB staff. Based on the results of these analyses, staff prepared recommendations of the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams listed on the attached Tabulations of Instream Flow and Natural Lake Level Recommendations.

Water Availability Studies

Staff has conducted an evaluation of water availability for the streams listed. To determine the amount of water physically available for the Board's appropriations, staff analyzed available USGS gage records, available streamflow models, and/or utilized appropriate standard methods to develop a hydrograph of mean daily flows for each stream flow recommendation. In some cases, staff also relied upon pressure transducer data and flow measurements made as part of the field survey to help identify the amount of water physically available in each stream. In addition, staff analyzed the water rights tabulation for each stream; and has consulted with the Division Engineer's Office to identify any potential water availability problems. Based upon its analyses, staff has determined that water is available for appropriation on each stream to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of valid water rights.

Instream Flow Rule 5d.

Rule 5d. provides that the Board may declare its intent to appropriate ISF water rights after reviewing Staff's recommendations for the proposed appropriations. Rule 5d. also sets forth the activities that take place after the Board declares its intent that initiate the public notice and comment procedure for the ISF appropriations. Specifically,

5d. Board's Intent to Appropriate. Notice of the Board's potential action to declare its intent to appropriate shall be given in the January Board meeting agenda and the Board will take public comment regarding its intent to appropriate at the January meeting.

- (1) After reviewing Staff's ISF recommendations for proposed ISF appropriations, the Board may declare its intent to appropriate specific ISF water rights. At that time, the Board shall direct the Staff to publicly notice the Board's declaration of its intent to appropriate.
- (2) After the Board declares its intent to appropriate, notice shall be published in a mailing to the ISF Subscription Mailing Lists for the relevant water divisions and shall include:
 - (a) A description of the appropriation (e.g. stream reach, lake location, amounts, etc.);
 - (b) Availability (time and place) for review of Summary Reports and Investigations Files for each recommendation; and,

- (c) Summary identification of any data, exhibits, testimony or other information in addition to the Summary Reports and Investigations Files supporting the appropriation.
- (3) Published notice shall also contain the following information:
- (a) The Board may change flow amounts of contested ISF appropriations based on information received during the public notice and comment period.
 - (b) Staff will maintain, pursuant to Rule 5e.(3), an ISF Subscription Mailing List for each water division composed of the names of all persons who have sent notice to the Board Office that they wish to be included on such list for a particular water division. Any person desiring to be on the ISF Subscription Mailing List(s) must send notice to the Board Office.
 - (c) Any meetings held between Staff and members of the public will be open to the public. Staff may provide Proper Notice prior to any such meetings and may provide notice to persons on the ISF Subscription Mailing List(s).
 - (d) Any Notice to Contest must be received at the Board office no later than March 31st, or the first business day thereafter. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30th, or the first business day thereafter.
 - (e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September Board meeting and will send notice of the Final Staff Recommendation to all persons on the Contested Hearing Mailing List.
 - (f) The Board may take final action on any uncontested ISF appropriations at the May Board meeting.
- (4) After the Board declares its intent to appropriate, notice of the Board's action shall be mailed within five working days to the County Commissioners of the county(ies) in which the proposed reach or lake is located.

Staff Recommendation

Staff recommends that, pursuant to Rule 5d., the Board declare its intent to appropriate an ISF water right on each stream segment listed on the attached Tabulations of Instream Flow and Natural Lake Level Recommendations, and direct Staff to publicly notice the Board's declaration of its intent to appropriate.

Attachments



Colorado Water Conservation Board

Instream Flow Tabulation - Streams



Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/1/A-001	Black Hollow Creek	Cache la Poudre	Larimer	headwaters in the vicinity of lat 40 38 28N long 105 41 24W	confl Cache la Poudre River at lat 40 42 04N long 105 38 52W	5.49	Kinikini	1.4 (10/1 - 11/15) 0.75 (11/16 - 4/30) 2.2 (5/1 - 9/30)	

Totals for Water Division 1	Total # of Stream Miles =	5.49
	Total # of Appropriations =	1
<i>(Totals do not include donated/acquired water rights)</i>		

Instream Flow Tabulation - Water Division 2

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/2/A-001	Baldwin Creek	Arkansas headwaters	Chaffee	outlet of Baldwin Lake at lat 38 39 34N long 106 18 11W	confl Chalk Creek at lat 38 42 52N long 106 16 12W	5.04	Saint Elmo	1.8 (11/1 - 2/29) 0.9 (3/1 - 4/15) 1.8 (4/16 - 5/14) 6.5 (5/15 - 8/31) 3.2 (9/1 - 10/31)	
10/2/A-002	Middle Creek	Upper Arkansas	Custer	headwaters in the vicinity of lat 38 02 44N long 105 10 31W	confl Ophir Creek at lat 38 03 56N long 105 06 20W	4.78	Deer Peak Saint Charles Peak	3.4 (4/15 - 6/30) 2 (7/1 - 8/31) 1 (9/1 - 4/14)	
10/2/A-003	Middle Creek	Upper Arkansas	Pueblo Custer	confl Ophir Creek at lat 38 03 56N long 105 06 20W	inlet of Beulah Water Works at lat 38 04 55N long 105 06 20W	6.72	Saint Charles Peak	5.1 (4/1 - 8/31) 2.8 (9/1 - 3/31)	

Totals for Water Division 2	Total # of Stream Miles =	16.54
	Total # of Appropriations =	3
<i>(Totals do not include donated/acquired water rights)</i>		

Instream Flow Tabulation - Water Division 4

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/4/A-004	Alpine Gulch	Upper Gunnison	Hinsdale	headwaters in the vicinity of lat 37 57 18N long 107 24 18W	confl Henson Creek at lat 38 01 8N long 107 21 31W	5.69	Lake City Lake San Cristobal Redcloud Peak	1 (10/1 - 4/14) 5 (4/15 - 9/30)	
10/4/A-002 (increase)	Blue Creek	Upper Gunnison	Gunnison	confl Little Blue Creek at lat 38 24 16N long 107 24 28W	confl Morrow Point Reservoir at lat 38 26 59N long 107 24 46W	3.53	Curecanti Needle	4.5 (4/1 - 7/31)	
10/4/A-006	Cebolla Creek	Upper Gunnison	Hinsdale	confl Brush Creek at lat 38 01 41N long 107 08 55W	conf Spring Creek at lat 38 05 47N long 107 02 08W	10.10	Cannibal Plateau Mineral Mountain	12.5 (10/1 - 11/15) 7.5 (11/16 - 3/31) 16.5 (4/1 - 4/30) 23 (5/1 - 9/30)	
10/4/A-007	Cebolla Creek	Upper Gunnison	Hinsdale Gunnison	confl Spring Creek at lat 38 05 47N long 107 02 08W	Powderhorn USGS gage at lat 38 13 39N long 107 04 24W	10.79	Mineral Mountain Rudolph Hill	22 (10/1 - 11/15) 13.5 (11/16 - 3/31) 26 (4/1 - 9/30)	
10/4/A-014	Cochetopa Creek	Tomichi Creek	Saguache	confl Nutras Creek at lat 38 03 22N long 106 48 25W	hdgt Mesa Ditch At lat 38 08 09N long 106 45 38W	7.54	Cold Spring Park Elk Park	4.5 (10/1 - 11/15) 2.75 (11/16 - 3/15) 5 (3/16 - 5/15) 11.3 (5/16 - 8/15) 7.5 (8/16 - 9/30)	
10/4/A-015 (increase)	Cochetopa Creek	Tomichi Creek	Saguache	confl Alkai Creek at lat 38 17 35N long 106 45 36W	hdgt South Krueger Ditch at lat 38 31 11N long 106 47 20W	12.91	Iris Sawtooth Mountain	6.8 (5/1 - 11/15)	
10/4/A-011	East Beaver Creek	Upper Gunnison	Saguache	headwaters in the vicinity of lat 38 16 41N long 106 51 46W	confl South Beaver Creek at lat 38 20 32N long 106 55 24W	6.26	Sawtooth Mountain Spring Hill Creek	2.4 (11/1 - 3/31) 5.8 (4/1 - 7/31) 3.7 (8/1 - 10/31)	

Instream Flow Tabulation - Water Division 4

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/4/A-005	Spring Creek	Upper Gunnison	Hinsdale	hdgt Creede Trail Ditch at lat 38 03 54N long 107 0 10W	confl Cebolla Creek at lat 38 05 47N long 107 02 08W	3.25	Mineral Mountain	3.3 (10/1 - 11/15) 2 (11/16 - 3/31) 5 (4/1 - 9/30)	
09/4/A-010	Tabeguache Creek	San Miguel	Montrose	conf Fortyseven Creek at lat 38 22 10N long 108 31 5W	hdgt Templeton Ditch at lat 38 21 42N long 108 35 25W	5.40	Nucla Uravan	1.6 (12/1 - 3/31) 4.75 (4/1 - 6/30) 1.9 (7/1 - 11/30)	
09/4/A-011	Tabeguache Creek	San Miguel	Montrose	hdgt of Templeton Ditch at lat 38 21 42N long 108 35 25W	confl with San Miguel River at lat 38 21 26N long 108 42 42W	9.70	Nucla Uravan	4.75 (3/15 - 6/30)	
10/4/A-003	Willow Creek	Upper Gunnison	Gunnison	confl Sugar Creek at lat 38 25 37N long 107 02 58W	confl Blue Mesa Reservoir at lat 38 28 15N long 107 03 49W	3.59	Big Mesa	2.3 (4/1 - 6/30) 0.5 (7/1 - 3/31)	

Totals for Water Division 4

Total # of Stream Miles = 78.76

Total # of Appropriations = 11

(Totals do not include donated/acquired water rights)

Instream Flow Tabulation - Water Division 6

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/6/A-002 (increase)	Big Beaver Creek	Upper White	Rio Blanco	confl Allen Creek at lat 40 04 38N long 107 36 33W	confl East Beaver Creek lat 40 02 06N long 107 38 41W	3.94	Fawn Creek Sawmill Mountain	2.1 (4/1 - 6/30)	
09/6/A-002	Grizzly Creek	Little Snake	Routt	confl unnamed tributary at lat 40 46 56N long 107 12 55W	Forest Service Boundary at lat 40 49 59N long 107 13 45W	2.90	Bears Ears Peaks	1.3 (3/15 - 7/15) 0.5 (7/16 - 3/14)	
07/6/A-008	Indian Creek	North Platte headwaters	Jackson	headwaters in the vicinity of lat 40 20 57N long 106 24 26W	confl W Araphoe Feeder D 2 at lat 40 25 35N long 106 27 24W	7.70	Spicer Peak Whiteley Peak	4 (4/1 - 7/15) 0.7 (7/16 - 3/31)	
10/6/A-003	Morrison Creek	Upper Yampa	Routt	confl Muddy Creek at lat 40 10 55N long 106 45 0W	confl Silver Creek at lat 40 14 42N long 106 47 11W	8.99	Green Ridge	1.4 (11/1 - 3/31) 3.1 (4/1 - 10/31)	
10/6/A-004	Morrison Creek	Upper Yampa	Routt	confl Silver Creek at lat 40 14 42N long 106 47 11W	confl Yampa River at lat 40 17 24N long 106 48 57W	4.91	Blacktail Mountain Green Ridge	13.2 (4/1 - 8/15) 8.1 (8/16 - 3/31)	
09/6/A-003	South Fork Slater Creek	Little Snake	Routt Moffat	headwaters in the vicinity of lat 40 46 22N long 107 19 7W	confl. W Prong S Fork Slater Creek at lat 40 49 37N long 107 17 47W	4.60	Buck Point	4.1 (4/1 - 6/30) 1.25 (7/1 - 7/31) 0.65 (8/1 - 9/15) 1.25 (9/16 - 3/31)	
10/6/A-006	South Fork Slater Creek	Little Snake	Routt	confl W Prong SF Slater Creek at lat 40 49 37N long 107 17 47W	confl Slater Creek at lat 40 51 06N long 107 17 26W	1.96	Buck Point	5.25 (10/16 - 3/14) 9 (3/15 - 7/15) 2 (7/16 - 8/15) 0.8 (8/16 - 10/15)	
10/6/A-007	West Prong South Fork Slater Creek	Little Snake	Routt Moffat	headwaters in the vicinity of lat 40 46 33N long 107 21 19W	hdgt Decker Ditch No 1 at lat 40 48 53N long 107 18 1W	4.58	Buck Point	2.5 (11/1 - 2/29) 4.9 (3/1 - 7/31) 3.5 (8/1 - 10/31)	

Instream Flow Tabulation - Water Division 6

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
					Totals for Water Division 6	Total # of Stream Miles =		39.58	
						Total # of Appropriations =		8	
						(Totals do not include donated/acquired water rights)			

Instream Flow Tabulation - Water Division 7

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
10/7/A-001	Animas River	Animas	San Juan	confl Minnie Gulch at lat 37 51 45N long 107 34 23W	confl Cunningham Creek at lat 37 50 11N long 107 35 52W	2.58	Howardsville	9.1 (11/1 - 4/30) 12.2 (5/1 - 10/31)	
10/7/A-002	Animas River	Animas	San Juan	confl Cunningham Creek at lat 37 50 11N long 107 35 52W	confl Arrastra Creek at lat 37 49 38N long 107 37 37W	1.94	Howardsville	13 (11/1 - 4/30) 25 (5/1 - 10/31)	

Totals for Water Division 7	Total # of Stream Miles =	4.52
	Total # of Appropriations =	2
<i>(Totals do not include donated/acquired water rights)</i>		

Report Totals	Total # of Stream Miles =	144.89
	Total # of Appropriations =	25
<i>(Totals do not include donated/acquired water rights)</i>		