

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Water Division 4
Intent to Appropriate Notice

Date: May 26, 2010

Bill Ritter, Jr.
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

At its May 18-19, 2010 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow water rights for Big Dominguez Creek and Little Dominguez Creek. The attached list contains a description of the Instream Flow (ISF) Recommendations including stream name, water division, watershed, county, upper terminus, lower terminus, length, USGS quad sheet names and recommended flow amounts. Copies of the Instream Flow Recommendation Summary Reports and Appendices submitted into the Official CWCB Record are available for review during regular business hours (8:00 a.m. - 5:00 p.m.) at the Colorado Water Conservation Board's Office, located at 1313 Sherman Street, Room 721, Denver, Colorado, 80203. Copies of the Instream Flow and Natural Lake Level

Recommendation Summary Reports are also available on the CWCB website at:
Big Dominguez Creek:

[http://cwcbweblink.state.co.us/weblink/search.aspx?searchcommand={\[Instream%20Flow%20Appropriations\]:\[Case%20Number\]=%2210/4/A-013%22}](http://cwcbweblink.state.co.us/weblink/search.aspx?searchcommand={[Instream%20Flow%20Appropriations]:[Case%20Number]=%2210/4/A-013%22}).

Little Dominguez Creek:

[http://cwcbweblink.state.co.us/weblink/search.aspx?searchcommand={\[Instream%20Flow%20Appropriations\]:\[Case%20Number\]=%2210/4/A-001%22}](http://cwcbweblink.state.co.us/weblink/search.aspx?searchcommand={[Instream%20Flow%20Appropriations]:[Case%20Number]=%2210/4/A-001%22})

In addition to the above Instream Flow Recommendation Summary Reports and Appendices, staff may rely on any additional data, exhibits, testimony, or other information submitted by any party as part of the Official CWCB Record to support its Instream Flow Recommendations. Pursuant to the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program adopted by the Colorado Water Conservation Board, it should also be noted that:

(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 (see Rule 4n.) 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 June 30, 2010, 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 July 14, 2010, or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the November 2010 Board meeting and, prior to that meeting, 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 July 20-21, 2010 Board meeting.

Should you wish to comment on the proposed Instream Flow Recommendations, you may do so by writing Jeff Baessler of the Board's staff at the address given above or by sending your comments by email to jeffrey.baessler@state.co.us. It should be noted that while your appearance at any meeting is welcome, such an appearance is not necessary for your concerns to be recognized. Staff will take your comments into account and, if you so request, will present them to the Board in your absence. If you are not currently on the Board's Instream Flow Subscription Mailing List and you would like to be, please contact the Board's Office at the address given above.

Div	Stream	Watershed	Counties	Length (miles)	Upper Terminus	Lower Terminus	Quad Sheets	Flow (CFS)
4	Big Dominguez Creek	Lower Gunnison	Delta/ Mesa	14.22	Wilderness Area Boundary	Wilderness Area Boundary	Jacks Canyon, Keith Creek, Triangle Mesa	All unappropriated flow minus development allowance
4	Little Dominguez Creek	Lower Gunnison	Delta/ Mesa	15.60	Wilderness Area Boundary	confl Big Dominguez Creek	Dominguez, Escalante Forks, Triangle Mesa	All unappropriated flow minus development allowance

Development Allowance

	Maximum Storage Volume Allowed - AF (Total of all new water rights)	Max Diversion Rate (cfs) (April 15 – June 30)	Max Diversion Rate (cfs) (July 1 – October 31)
Big Dominguez			
Private Parcels	100	3.30	0.198
USFS	1.14	.066	
BLM	1.0	0.11	

Little Dominguez			
Private Parcels	1	0.033	0.033
USFS	.76	.066	
BLM	2.0	0.22	
Notes for private parcels:			
1. Storage volumes are for all future uses including irrigation, stock watering, wildlife, and any augmentation required for non-exempt domestic uses.			
2. Domestic use is assumed to be exempt use and not included in the allowance.			
3. The maximum diversion rate for Big Dominguez Creek for April 15-June 30 is based on 0.033 cfs per irrigable acre for diversions to storage and direct irrigation.			
4. The maximum diversion rate for Big Dominguez from July 1-October 31 is based on six (6) ponds at assumed flow rate of 0.033 cfs/pond. It is likely that these ponds will be spring-fed, given the lack of stream flows high in the watershed during the July 1 – October 31 period.			
5. The maximum diversion rate for Little Dominguez Creek is based on extremely limited natural water supply to the only privately owned parcel within the watershed. The allowance assumes that 1 pond could be constructed with a diversion rate of 0.033 cfs into the pond.			
Notes for BLM and USFS lands:			
1. The storage volumes identified for the BLM and USFS are for stock water purposes only. The ponds may be filled with water from surface diversions, spring diversions, or well diversions. If a pond is constructed under an exempt use, such as a livestock tank filled with water from an ephemeral channel, that pond is not counted against the allowance.			
2. The maximum diversion rate for all BLM and USFS ponds from July 1 – October 31 is assumed at 0.033 cfs/pond.			
3. The diversion rates shown in the table are for multiple purposes, including livestock watering, wildlife watering, and recreation. The diversion rates may be used to satisfy water needs for developed facilities, such as campgrounds, or may be used for more dispersed uses such as wildlife watering. Exempt uses, such as livestock watering wells operating at 15gpm or less, will not count against this allowance.			