



City of Louisville

Office of the City Manager

Jennifer Gimbel
Executive Director
Colorado Water Conservation Board
1313 Sherman Street, Room 723
Denver, CO 80203

Dear Ms. Gimbel:

I am writing you to request that the Colorado Water Conservation Board ("CWCB"), and the Division of Wildlife, conduct the initial data collection necessary for the CWCB to pursue an instream flow water right in 2009 for Coal Creek within Boulder County. Coal Creek is an important riparian area to Louisville and the adjacent communities of Superior, Lafayette, and Boulder County. Coal Creek runs through the Coal Creek golf course in Louisville and the Coal Creek trail serves as bike path and walking path for several miles along the Creek. In addition, this riparian corridor provides a wildlife sanctuary within our communities.

I understand that any requests for instream flows investigations require that the proponent provide recommendations, with specificity. The City of Louisville lacks the expertise to determine the appropriate flows and season for a potential instream flow, thus, we have initiated conversations with the Staffs of the CWCB and the DOW to have them conduct the necessary hydrologic and biological investigations this year. Nevertheless, we do have some additional specifics, as follows. The fish species that can be found in these segments are the Creek Chub, the Fathead Minnow, the Central Stoneroller, the White Sucker, and the Plains Killifish. There are also aquatic invertebrates and a wide variety of waterfowl and small to medium sized mammals that utilize this riparian corridor.

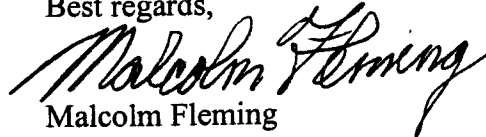
Louisville has initiated conversations with Boulder County, the Town of Superior, the City of Lafayette, and the Town of Erie to determine what would be an appropriate stream reach, and whether they would support a request. At this point the Town of Superior, City of Lafayette and Boulder County all support moving forward with the proposed data collection. We suggest that the CWCB explore two different segments, the first would be from Coal Creek where it enters the Boulder County open space property down to the Louisville Wastewater Treatment outfall (by Empire Road in Louisville), and the second segment would be from the Louisville Wastewater Treatment Outfall (by Empire Road in Louisville) to the Lafayette Pumping Station No. 2 (approximately 100 feet upstream from where Coal Creek passes under Public Road in Lafayette). Two segments are appropriate because above the wastewater treatment outfall the stream is perennial whereas below the stream typically flows year round. These segments honor the future water needs of our adjacent communities and will enable all four communities

to review and assess the potential impact to our respective water portfolios prior to going forward to the CWCB for any application for minimum stream flow.

With regard to water availability, there are two gages on Coal Creek that can be used to determine the hydrologic availability of water within this basin; they are Coal Creek near Plainview (USGS Gage No. 06730300) and Coal Creek near Louisville (recently discontinued, but USGS Gage No. 06730400).

Louisville will be represented at the February 13th, 2008 workshop. I hope that we are able to rely on your technical support as we continue to explore ways to protect the water dependent resources associated with Coal Creek located in the City of Louisville and our adjacent jurisdictions.

Best regards,


Malcolm Fleming
City Manager

cc: City Council
Town of Superior, City Manager
City of Lafayette, City Manager
Boulder County, Sasha Charney
Eric Wilkinson, CWCB representative for the South Platte River basin