

THE SOUTHWESTERN WATER CONSERVATION DISTRICT

A Municipal District Organized Under State Law For Development And Conservation Of The Waters In The
SAN JUAN AND DOLORES RIVERS AND THEIR TRIBUTARIES
IN NORTHWESTERN COLORADO

West Building — 841 East Second Avenue
DURANGO, COLORADO 81302
(970) 247-1302 • Fax (970) 259-8423

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JAN 08 2010

January 4, 2010

Colorado Water Conservation Board

Jennifer Gimble, Executive Director
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

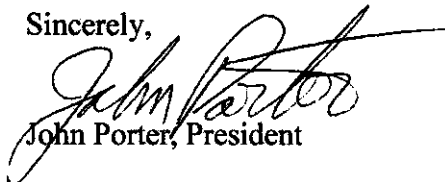
Re: Proposed Instream Flow Appropriations for Animas River (Minnie Gulch to Cunningham Creek) and Animas River (Cunningham Creek to Arrastra Creek (Two ISFs)

Dear Jennifer:

The Southwestern Water Conservation District ("SWCD") staff has reviewed the two proposed in-stream flow appropriations on the Animas River, and will recommend to the SWCD Board that it not contest or object to the appropriations, provided the ISF decrees include a statement of acknowledgment that the ISF will be junior to the existing conditional water rights decreed jointly to SWCD and La Plata County in Case No. 06CW127, and junior to any conditional water rights granted in the pending water court cases in Case No. 05CW87 filed by the Town of Silverton with legal and engineering assistance from SWCD, and Case No. 05CW88 filed by SWCD for water rights in San Juan County. The referenced cases were instrumental in the settlement of the Recreational-in-Channel Diversion ("RICD") case filed by the City of Durango on the Animas River, and they allow for future development to occur while also providing for recreational flows for Durango. Case No. 06CW127 is decreed as a basin wide depletion amount for future consumptive uses on the Animas River and tributaries, and the Silverton and San Juan County cases were filed to provide future water supplies for the Town and County.

The SWCD acknowledges the importance of the CWCB In-stream Flow Program for protection of the natural environment to a reasonable degree, but wants to insure that new junior ISF filings on the Animas River will not prevent the development of the uses pursuant to the these cases. Please let us know if such a stipulation would be acceptable to the CWCB.

Sincerely,



John Porter, President

cc: Southwestern Water Conservation District Board of Directors
Linda Bassi, CWCB
Bruce Whitehead
Barry Spear
Steve Harris



TU Celebrates 50 Years of Protecting Cold, Clean, Fishable Water.

1300 North 17th Street, Suite 500 · Arlington, VA 22209-3801 · www.tu.org

April 9, 2009

Ms. Linda Bassi
Colorado Water Conservation Board
1313 Sherman Street, Room 723
Denver, CO, 80203

Dear Ms. Bassi,

Please accept this correspondence as a letter of support for the proposed 4.6 miles of in-stream flows for the Upper Animas River near Silverton. We are always supportive of flows that encourage and improve the fisheries.

Cunningham Creek is one of the most important fisheries on the upper reaches of the Animas. These in-stream flows in the vicinity will surely help to further improve angling opportunities and promote overall watershed health. Continued mine clean-up near Silverton has once again made the Animas a wonderful fishery. With each passing year, we see the Animas improve. We are encouraged to see the CWCB recognize this and recommend these flows.

Trout Unlimited is dedicated to conserving, protecting and restoring North America's coldwater fisheries. We support the BLM's recommendations to the CWCB for these in-stream flows at the proposed flow schedules. What's more, Trout Unlimited will continue to be supportive of additional in-stream flow recommendations and encourages the CWCB to complete these filings.

Please feel free to contact me with any questions.

Sincerely,

Ty Churchwell
Backcountry Coordinator
Sportsmen's Conservation Project
Trout Unlimited/Durango
970-259-5116
tchurchwell@tu.org



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Colorado Water Conservation Board

March 30, 2009

Ms. Linda Bassi
Colorado Water Conservation Board
1313 Sherman Street, Room 723,
Denver, Colorado, 80203

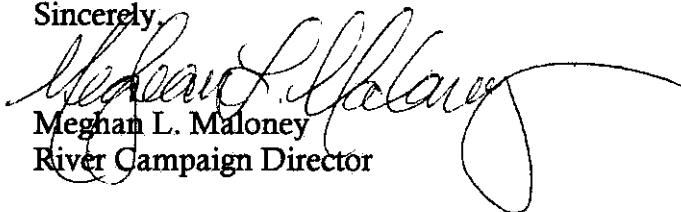
Dear Ms. Bassi,

Please accept this letter as formal support for the recommendation to create 4.6 miles of instream flow rights on the Upper Animas River between Minnie Gulch and Cunningham Creek (2.6 mi.) and Cunningham and Arrastra Creeks (2 mi.).

Natural and anthropogenic sources of heavy metals in the upper Animas watershed greatly impact the overall ecological function of the river. As noted in the BLM recommendation for these reaches, water quality of the Animas is improved by inflows from the three adjacent tributaries (Minnie Gulch, Maggie Gulch, Cunningham Creek). These inflows have created self-sustaining populations of brook trout and now represent a critical habitat connectivity link for the fisheries. Furthermore, creating secure protection encourages continued expansion of the riparian community, which ideally would lead to an increase in the width to depth ratio of the channel and a more natural stream channel.

The San Juan Citizens Alliance is dedicated to the protection of our regional streams in both quality and quantity. We support the Bureau of Land Management's recommendations to the CWCB for the creation of these instream flow rights. Furthermore, we encourage the completion of these filings at BLMs recommended flow schedules. Please feel free to contact me with any questions.

Sincerely,



Meghan L. Maloney
River Campaign Director

cc: R. Viehl, Colorado Water Conservation Board
T. Smith, Colorado Water Conservation Board
R. Smith, Bureau of Land Management
M. Stiles, San Juan Public Lands Center
W. Simon, P. Butler; Animas River Stakeholders Group
P. Shepherd, Trout Unlimited

1022 1/2 Main Avenue
PO Box 2461
Durango, CO
81302

970.259.3583
970.259.8303