

Viehl, Rob

From: jeffrey.baessler@state.co.us
Sent: Wednesday, December 12, 2007 1:37 PM
To: Viehl, Rob
Subject: ISF Public Meeting Notice - Garfield & Mesa Counties

Colorado Water Conservation Board

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future generations

ISF PUBLIC MEETING NOTICE - GARFIELD & MESA COUNTIES

The Stream and Lake Protection Section of the Colorado Water Conservation Board is joining with the Colorado Division of Wildlife and the U.S. Bureau of Land Management to meet with the Garfield County Commissioners, Stakeholders and all other Interested Parties to discuss the appropriation of water rights for Instream Flow purposes in Garfield and Mesa Counties

The following stream segments are being considered for Instream Flow Protection at this time:

- Baldy Creek
- Battlement Creek
- North Fork Wallace Creek
- Right Fork Barrel Springs Creek
- Wallace Creek

Detailed information concerning these proposed Instream Flows can be found at:
<http://cwcb.state.co.us/Streamandlake/2008Appropriations.htm>

This presentation has been included on the agenda of the Garfield County Board of County Commissioners meeting at 2:45 PM on Monday, December 17, 2007. The meeting will take place at the Courthouse Plaza Building, 108 8th street, Room 100, Glenwood Springs. Questions may be directed to Jeff Baessler at 303-866-3906 or jeffrey.baessler@state.co.us

For more information about Colorado Water Conservation Board go to: <http://cwcb.state.co.us>.



Viehl, Rob

From: owen.williams@state.co.us
Sent: Monday, November 05, 2007 12:30 PM
To: Viehl, Rob
Subject: Proposed 2008 Instream Flow Appropriations Water Divisions 1, 2, 5, and 6 (Complementary Notice)

Colorado Water Conservation Board

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PROPOSED 2008 INSTREAM FLOW APPROPRIATIONS WATER DIVISIONS 1, 2, 5, AND 6 (COMPLEMENTARY NOTICE)

NOTICE

To: Instream Flow Subscription Mailing Lists
Subject: Proposed 2008 Instream Flow Appropriations Water Divisions 1, 2, 5, and 6 (Complementary Notice)
Date: November 5, 2007

This notice complements the notice given on March 27, 2007, pursuant to ISF Rule 5c, which identified the streams to be considered for instream flow appropriations in 2008. At the January 2008 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate instream flow water rights for the streams listed on the attached Instream Flow Appropriation List. The attached list contains a description of the Instream Flow (ISF) Recommendations including stream name, watershed, county, upper terminus, lower terminus, length, USGS quad sheet name(s) and recommended instream flow amounts.

Copies of the Instream Flow Recommendation Summary Reports and Appendices submitted into the Official CWCB Record are available for review by the public 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 723, Denver, Colorado, 80203. In addition to the CWCB office, copies of the Instream Flow and Natural Lake Level Recommendation Summary Reports are available on the CWCB website at <http://cwcb.state.co.us/Streamandlake/2008Appropriations.htm>

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. 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 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 31, 2008, 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 30, 2008 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the November 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.

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 and owen.williams@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.

More information on the 2008 Instream Flow Appropriation Flow (ISF) Recommendations is available on the website.

For more information about Colorado Water Conservation Board go to: <http://cwcb.state.co.us>.

STATE OF COLORADO

Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
Phone: (303) 866-3441
FAX: (303) 866-4474
www.cwcb.state.co.us



MEMORANDUM

To: Colorado Water Conservation Board Members

From: Jeff Baessler
Todd Doherty

Date March 1, 2007

Re: **Agenda Item 17, March 12-13, 2007–Board Meeting**
Stream and Lake Protection – Notice of 2008 Instream Flow Recommendations and Summary of ISF Workshop

Bill Ritter, Jr.
Governor

Harris D. Sherman
Executive Director

Rod Kuharich
CWCB Director

Dan McAuliffe
Deputy Director

General Background

On February 21, 2007, Staff held its annual Instream Flow Workshop at the Colorado Division of Wildlife Hunters' Education Building in Denver. The meeting was well attended by staff, 6 CWCB Board Members and representatives from the CDOW, BLM, Trout Unlimited, Western Resources Advocates, Colorado Environmental Coalition, Clear Creek County Water Bank, Eagle River Watershed Council and Jackson County.

The main objective of this meeting was to allow recommending entities an opportunity to present and discuss the specific streams and lakes that they would like to bring to the Board in January 2008 for inclusion in the Instream Flow and Natural Lake Level (ISF) Program. In addition, the recommenders indicated which water divisions they would like to focus on during the 2007 field season. The earliest that these streams could be recommended to the Board would be January 2009. The workshop allowed the recommending entities an opportunity to present their recommendations and provide an explanation of why instream flow 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.

As stated in the Instream Flow and Natural Lake Level Program Rules, all persons or entities interested in recommending stream reaches or natural lakes for inclusion in the ISF Program may make recommendations at any time. Below is the list of the streams that were discussed at the workshop which are being noticed for possible inclusion into the program in January 2008. The

complete list of the streams can also be found on the CWCB website at:
<http://cwcb.state.co.us/Streamandlake/newAppNotices.htm>.

| Water Division | Stream Name | County (ies) | Recommender(s)* |
|----------------|--|-----------------|-----------------------|
| 1 | Como Creek | Boulder | CDOW, TU |
| 2 | Purgatoire River | Las Animas | CDOW |
| 2 | South Fork Purgatoire River | Las Animas | CDOW |
| 2 | Cucharas River | Huerfano | CDOW |
| 2 | Newlin Creek | Fremont | CDOW |
| 2 | Lake Fork Middle Fork South Arkansas River | Chafee | CDOW |
| 2 | Severy Creek | El Paso, Teller | CDOW, TU |
| 2 | North Cheyenne Creek | El Paso, Teller | CDOW, TU |
| 2 | Bear Creek | El Paso, Teller | CDOW, TU |
| 5 | Eagle River | Eagle | Town of Minturn, CDOW |
| 5 | Right Fork Barrel Springs Creek | Garfield | BLM |
| 5 | Wallace Creek | Mesa | BLM |
| 5 | North Fork Wallace Creek | Mesa | BLM |
| 5 | Battlement Creek | Garfield | BLM |
| 5 | Baldy Creek | Garfield | BLM |
| 5 | Arapaho Creek | Grand | CDOW, TU |
| 5 | Mule Creek | Grand | BLM |
| 5 | Rabbit Ears Creek | Grand | BLM |
| 5 | Troublesome Creek | Grand | BLM |
| 5 | Corral Creek (ISF Increase) Existing ISF: 5-86CW214 | Grand | BLM |
| 5 | Beaver Creek (ISF Increase) Existing ISF: 5-86CW206 | Grand | BLM |
| 5 | Willow Creek (ISF Increase) Existing ISF: 5-78W3774 | Grand | BLM |
| 6 | Indian Creek | Jackson | BLM |
| 6 | South Fork Big Creek | Jackson | BLM |
| 6 | North Fork North Platte River | Jackson | BLM |
| 6 | Piceance Creek | Rio Blanco | BLM, CDOW |
| 6 | Black Sulphur Creek | Rio Blanco | BLM |
| 6 | East Willow Creek | Rio Blanco | BLM |
| 6 | Yellow Creek | Rio Blanco | BLM, CDOW |
| 6 | Little Cottonwood Creek | Moffat | CDOW |
| 6 | Beaver Creek** | Moffat | BLM |
| 6 | Willow Creek** | Moffat | BLM |

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

** These streams may be considered for appropriation by the Board in 2007.

- The BLM recommended streams in water divisions 5 and 6 to be included into the Instream Flow Program with a 2007 appropriation date. The BLM is interested in obtaining instream flow protection on streams flowing through BLM lands, especially those with threatened or sensitive species, areas with high recreational values and uses, diverse fishery or riparian communities and sufficient water quality to support fisheries. The streams listed above in water division 6 (i.e. Jackson, Rio Blanco and Moffat Counties) are those streams that have been previously noticed by the CWCB but have

been delayed due to various concerns such as water availability and/or their potential to impact water rights.

- The Colorado Division of Wildlife recommended several streams in water division 2. The CDOW is interested in obtaining instream flow protection on streams with threatened and endangered species, areas with high recreation value and those flowing through State Wildlife Areas. In addition, the DOW streams located in Division 6, and the Eagle River in Division 5, were previously noticed by the CWCB but have also been delayed due to various concerns.
- Trout Unlimited, in cooperation with the CDOW, has recommended several streams located in water divisions 1, 2, and 5. With the exception of one stream, all of these streams contain Greenback Cutthroat Trout, a species currently listed as "threatened" under the Endangered Species Act. The stream noticed for division 1 is being considered outside the normal basin rotation schedule based on evidence that clearly outlines and justifies the need. This exception falls within the policy guidelines concerning the basin rotation approach that were adopted by the Board at its March 2006 meeting.

The BLM, CDOW and TU have coordinated their planning efforts for the 2007 field season and have communicated at the ISF Workshop that they would like to concentrate their efforts in water divisions 4 and 6. The earliest these streams could be recommended to the Board for appropriation would be the January 2009 CWCB meeting.

Discussion

At the workshop, staff suggested, and several Board Members agreed, that it would be beneficial for the Board to take a more active role in defining stream protection goals and prioritizing streams that it will consider for inclusion into the ISF program. Currently, the recommending entities bring streams to the Board for consideration based on their internal agency goals. For example, entities are currently recommending streams that will accomplish multiple goals including streams with threatened species, high recreational value streams and streams located within state wildlife areas. In some cases, these diverse goals have resulted in the recommendation of streams where there is significant conflict with other water right interests, resulting in a substantial drain on CWCB staff and financial resources. The development of common goals between the CWCB and the recommending entities and a prioritization of streams based on those goals would ensure that limited staff resources are being utilized in the best way possible.

There are 32 stream segments, as shown in the table above, that staff will be working on over the next year. During this period, staff will review the recommendations and the supporting data, conduct thorough water availability analyses, conduct site visits for each stream, provide broad public notice, and discuss recommendations with the Division Engineers' offices, water districts and water users located within the particular stream reach. The purpose of this extensive and thorough review and noticing process is to identify and resolve issues prior to the January 2008 CWCB meeting, when staff will ask the Board to declare its intent to appropriate. As in years past, some of the currently recommended segments will require significantly more staff and financial resources to resolve water users' concerns. Staff continues to be concerned regarding its limited resources and its ability to adequately address all issues on all segments within the next year.

Recommendation

In order not to exhaust all of its resources on a few controversial streams, staff recommends the Board direct staff to evaluate and prioritize the 32 segments as follows.

1. Resolve the remaining issues on Beaver Creek and Willow Creek in Moffat County. Staff is close to resolving outstanding issues on Beaver Creek and is hopeful that it can resolve stakeholder concerns on Willow Creek. Staff intends to bring these recommendations to the Board no later than at its July 2007 meeting.
2. Attempt to resolve the issues regarding the Jackson County streams that were discussed at the January 2007 Board Meeting.
3. Investigate and scrutinize the recommendations in divisions 2 and 5 to identify which streams may develop significant controversy and require additional staff resources to resolve issues. Staff will then move the non-controversial streams forward and develop a plan to address issues on the remaining streams as time and resources allow.
4. Continue to work with the recommending entities and stakeholders on those streams in Divisions 5 and 6 that were recommended in previous years. The majority of these streams have a high degree of controversy associated with them and staff may need additional time or more resources to successfully identify and resolve issues prior to asking the Board to form its intent to appropriate. These include the streams in Division 6 in Rio Blanco County located in the Piceance Creek Basin, Little Cottonwood Creek in Moffat County, and the Eagle River in Eagle County.