

# STATE OF COLORADO

## Colorado Water Conservation Board Department of Natural Resources

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### NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2012 Instream Flow Appropriations Water Division 3

Date: January 30, 2012

John W. Hickenlooper  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

At its January 23-24, 2012 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow water rights for the 4 streams listed on the attached instream flow appropriation list. The attached list contains a description of the instream flow recommendations including: stream name, water division, 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 during regular business hours (8:00 a.m. - 5:00 p.m.) at the CWCB's office, located at 1313 Sherman Street, Room 721, Denver, Colorado, 80203. This information is also available on the CWCB website at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2012ProposedInstreamFlowAppropriations.aspx>

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 Rule 5d.(3) of 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 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, 2012. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30, 2012, or the first business day thereafter.

(e) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the September 2012 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 May 2012 Board meeting.

A notice to contest an ISF appropriation shall be made in writing and contain the following information: (a) Identification of the Person(s) requesting the hearing;(b) Identification of the ISF appropriation(s) at issue; and, (c) The contested facts and a general description of the data upon which the Person will rely to the extent known at that time.

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](mailto: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	County	Length (miles)	Upper Terminus	Lower Terminus	Quad Sheet(s)	Flow (CFS)
3	Brewery Creek	San Luis	Saguache	1.79	USFS Boundary	Confl. Kerber Creek	Bonanza	1.6 (11/16-3/31) 2.85 (4/1-7/31) 2.1 (8/1-11/15)
3	Elkhorn Gulch	San Luis	Saguache	0.32	USFS –BLM Boundary	Confl. Kerber Creek	Bonanza, Whale Hill	1.05 (4/15-7/31) 0.55 (8/1-4/14)
3	Kerber Creek	San Luis	Saguache	0.55	Confl. Elkhorn Creek	Confl. Brewery Creek	Bonanza	0.8 (11/1-3/1) 1.45 (3/2-4/15) 3.5 (4/16-7/15) 1.45 (7/16-10/31)
3	Kerber Creek	San Luis	Saguache	13.10	Confl. Brewery Creek	Wells Kerber Ditch	Bonanza, Graveyard Gulch, Klondike Mine, Villa Grove	2.6 (11/16-3/31) 6.75 (4/1-7/31) 4.0 (8/1-11/15)