

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Linda Bassi and Jeff Baessler
Stream and Lake Protection Section

Mike King
DNR Executive Director

DATE: May 6, 2011

Jennifer L. Gimbel
CWCB Director

SUBJECT: **Agenda Item 17, May 17-18, 2011 – Board Meeting**
Stream and Lake Protection – Contested 2011 Instream Flow Appropriations

Summary

This memo provides a listing of the Contested Streams and Contested Hearing Parties/Participants. The Notices to Contest, Notices of Party Status and Notices of Contested Hearing Participant Status are attached to this memo.

Staff is recommending that the Board designate a Hearing Officer and set hearing dates for the contested appropriations.

Contested Parties

Pursuant to ISF Rule 5d.(3)(d), the following Instream Flow Recommendation was contested by the listed parties by the March 31, 2011 deadline:

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
4	San Miguel River	San Miguel	Montrose	17.24	Confluence Calamity Draw	Confluence Dolores River	115 (3/1 - 4/14) 325 (4/15 - 6/14) 170 (6/15 - 7/31) 115 (8/1 - 8/31) 80 (9/1 - 2/29)

Contesting Parties:

The Board of County Commissioners of Montrose County
Farmers Water Development Company

Staff notified all persons on the ISF Subscription Mailing List of the contested recommendations prior to the April 10, 2011 deadline. Pursuant to Rule 5l.(4), where a contested ISF appropriation is based fully or in part on another agency's recommendation pursuant to Rule 5a.,

that agency shall automatically be a Party in any proceeding. The Colorado Division of Wildlife (CDOW) and Bureau of Land Management (BLM) recommended the ISF appropriations and will therefore be parties to these contested stream proceedings. The following entities have requested Contested Hearing Party Status in accordance with Rule 5l.(1) of the Instream Flow Rules:

Sheep Mountain Alliance
Southwestern Water Conservation District
Norwood Water Commission
Lone Cone Ditch and Reservoir Company
Western Resource Advocates
Wilderness Society
San Miguel Water Conservancy District

In addition, the following entities have requested Contested Hearing Participant Status in accordance with Rule 5m.(1):

San Miguel County
Colorado Environmental Coalition
San Juan Citizens Alliance
American Whitewater
Western Colorado Congress
Center for Native Ecosystems

Staff Recommendation

Staff recommends that the Board designate a Hearing Officer and set hearing dates for the San Miguel River ISF appropriation in conjunction with the September CWCB meeting.