

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 J. Bassi, Chief
Kaylea White
Stream and Lake Protection Section

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

DATE: November 4, 2011

SUBJECT: **Agenda Item 20a, November 15-16, 2011 Board Meeting
Stream and Lake Protection Section – Request to Inundate –
Case No. 1-09CW185; Application of Crystal Lakes Water and Sewer
Association, Inc.**

Introduction

This agenda item addresses a proposed pretrial resolution under ISF Rule 7. Inundation of ISF Rights, ("Inundation"). This proposal is to inundate a portion of the instream flow water right on North Lone Pine Creek within the Crystal Lakes subdivision, approximately 20 miles northwest of Fort Collins, Colorado. The inundation is due to an enlargement of an existing dam and reservoir that will be used for local municipal, augmentation and other beneficial uses. North Fork Lone Pine Creek is tributary to Lone Pine Creek, North Fork Cache la Poudre River, Cache la Poudre River, and ultimately tributary to the South Platte River. This memo addresses the inundation issue. Applicant's request to inundate is attached as Appendix B. A five-day trial is set in this case to begin on February 27, 2012. Staff is reasonably confident that it can negotiate terms and conditions to insure 100% protection for the Board's other ISF water rights that could be injured by this application before the trial date. However, if Staff and the Attorney General's Office are unable to negotiate the necessary terms and conditions to resolve this case, Staff will ask the Board for authorization to proceed to trial at the Board's January 2012 meeting.

Staff Recommendation

Staff recommends that the Board:

Determine that the inundation does not significantly interfere with the instream flow water right on North Fork Lone Pine Creek and therefore the natural environment of North Fork Lone Pine Creek can continue to be preserved to a reasonable degree despite the inundation, and approve the inundation request.

Case Background

Applicant has requested a change of water rights to store conditional water rights intended for the Upper Lone Pine Lake (ULPL), which has not been built, in an alternate place of storage

approximately 3 miles downstream at Lower Lone Pine Lake (LLPL), Applicant has requested a loan from CWCW to enlarge LLPL to accommodate the new storage. The stored water will be used for municipal, augmentation and other beneficial uses. As stated in Applicant's proposal, page 1, "storage on North Lone Pine Creek is an essential component of the augmentation plan for the Crystal Lakes Community, as it replaces depletions caused by wells on the lots in the North Lone Pine Creek basin."

In March 2010, the Board ratified the statement of opposition to this application because the change of water rights and inundation of the instream flow could injure the Board's ISF water rights set forth below. CWCW became a party in this case with the intent of negotiating terms and conditions to fully protect the Board's ISF water rights. The Board holds the following ISF water rights that could have been injured by this application.

CWCW Case No.	Stream/Lake	Amount (cfs)	Approp. Date	Watershed	County
1-85CW421	North Fork Lone Pine Creek	1.5	11/8/1985	Cache la Poudre	Larimer
1-85CW433	Lone Pine Creek	3.5	11/8/1985	Cache la Poudre	Larimer
1-87CW291	Killpecker Creek	1.0/0.4	12/11/1987	Cache la Poudre	Larimer
1-87CW291A	Killpecker Creek	2.0/1.0	12/11/1987	Cache la Poudre	Larimer
1-85CW420	North Fork Cache la Poudre	5.0	11/8/1985	Cache la Poudre	Larimer
1-85CW427	North Fork Cache la Poudre	8.0	11/8/1985	Cache la Poudre	Larimer
1-85CW428	North Fork Cache la Poudre	14.0	11/8/1985	Cache la Poudre	Larimer
1-85CW430	North Fork Cache la Poudre	20.0	11/8/1985	Cache la Poudre	Larimer

See map attached as Appendix A. The North Fork Lone Pine Creek ISF water right decreed in 85CW421 will be partially inundated by the enlarged LLPL Reservoir. The upper approximately 1/2 mile of the ISF water right extends through Applicant's service area above the existing LLPL. Applicant's claims on Killpecker Creek have been withdrawn; therefore, the ISF water rights on Killpecker Creek and the ISF water rights on North Fork Cache la Poudre will not be affected by this decree. The ISF water rights on North Fork Lone Pine Creek below the inundation and Lone Pine Creek will be 100% protected with terms and conditions in the decree.

Extent of potential impact of the inundation

At the Board meeting, Mr. Scott Parker of Anderson Consulting Engineers, Inc., Applicant's consulting water resources engineer, will present the Applicant's request to inundate.

Applicant plans to enlarge the existing Lower Lone Pine Lake (LLPL) to store water as an alternate place of storage for the conditionally decreed Upper Lone Pine Lake (ULPL). Both reservoirs were part of an augmentation plan decreed in 77-W-8540. As stated in Applicant's proposal, page 1, "[t]he enlarged LLPL will be a smaller reservoir than the ULPL, but is designed to provide adequate storage and carryover to meet the requirements of the augmentation plan." The enlargement of ULPL will increase the storage volume from approximately 10 acre-feet to 100 acre-feet, inundating an additional 900 linear feet of North Fork Lone Pine Creek.

The existing LLPL was decreed in Case No. 78-W-9288 for 10.5 acre-feet. The reservoir was constructed and the storage right is absolute. The water right is senior to the ISF water rights of concern in this case. The original ULPL water right was decreed in 74-W-7633 for 93.73 acre-feet; an enlargement right was decreed in 78-W-9287 for 25.48 acre-feet; and a second enlargement was decreed in 91CW116 for 151.79 acre feet. The source of water for the second enlargement includes both North Fork Lone Pine Creek and Killpecker Creek, includes locations

of use in Crystal Lakes and Red Feather lakes, and is junior to the ISF water right. The first two rights totaling 119.21 acre feet are senior to the ISF water right on North Fork Lone Pine Creek; however, those water rights were decreed to a section of stream upstream of the ISF. The change of water rights will move the storage location to within the existing decreed ISF reach.

Pursuant to ISF Rule 7e., Applicant is required to provide information on the following factors:

[T]he location of the inundation, the size of the inundation, impact of the inundation on the natural environment, any unique or rare characteristics of the ISF water right to be inundated, any regulatory requirements or conditions imposed upon the applicant by federal, state and/or local governments, all terms and conditions included in applicant's water court decree, and any compensation or mitigation offered by the Person proposing the inundation.

The required information was provided in Applicant's proposal to inundate, attached as Appendix B, and is discussed in this memo. Table 1 of Applicant's proposal shows the LLPL properties at normal high water line for the existing and enlarged structure:

Table 1.
Properties of Lower Lone Pine Lake at Normal High Water Line
Existing and Enlarged

	Existing (approx.)	Enlarged
<i>NHWL Elevation</i>	7969 FT	7986 FT
<i>Volume</i>	10.5 AF	100.5 AF
<i>Area</i>	2.5 Acres	7 Acres
<i>Dam Height</i>	27 FT	44 FT

The existing footprint of LLPL covers 600 linear feet of stream and the enlargement will cover an additional 900 feet for a total of 1,500 linear feet of inundation of the ISF reach.

Discussion

ISF Rule 7g. allows the Board several options regarding a request to inundate an ISF water right: to approve, approve with conditions, defer, or deny the request to inundate. Rule 7g. requires the Board to consider all relevant factors, including:

(1) the extent of inundation proposed; (2) the impact of the proposed inundation on the natural environment existing prior to the inundation; (3) the degree to which the beds and banks adjacent to the ISF right subject to the inundation are publicly or privately owned; (4) the economic benefits arising from the inundation; (5) the benefits to recreation and downstream ISF segments arising from the inundation; (6) the degree to which the proposed inundation will allow development of Colorado's allotment of interstate waters as determined by compact or adjudication; and, (7) any mitigation or compensation offered to offset adverse impacts on the ISF right.

The extent of the requested inundation will be an additional 900 linear feet to an existing 600-foot inundation. The beds and banks adjacent to the ISF right are privately owned and are not accessible to the public. A 27-foot dam exists on the stream that prevents fish migration through the reach. The additional 17 feet of dam height will not further affect the ability of fish to pass.

No mitigation or compensation has been offered or requested to offset adverse impacts to the ISF right. However, wetlands mitigation is required in Applicant's federal 404 permit. In referring to the 404 permit, Applicant's proposal, page 3 states: "The enlargement of the reservoir was not expected to impact endangered species. Likewise, no damaging effect on fish is expected, as North Lone Pine Creek was not observed to be suitable for fish habitat. Aquatic invertebrates, which may be affected, are expected to recover."

The enlarged lake could benefit downstream ISF water rights. The lake will be used for augmentation of out-of-priority depletions occurring in the development. Without the enlarged lake, because the upper lake has not been built, the development would have insufficient augmentation water to replace the out-of-priority depletions affecting the Board's water rights downstream on North Fork Lone Pine Creek and Lone Pine Creek. The enlarged lake will provide new augmentation water for the downstream reaches. By providing replacement water for out-of-priority depletions, the enlarged lake also allows additional development of Colorado's compact entitlements within the residential development of the Crystal Lakes subdivision.

Colorado Parks and Wildlife Evaluation of Proposal

CWCB and Colorado Parks and Wildlife ("CPW") staff members conducted a site visit and met with Applicant's representatives to discuss this proposal on August 15, 2011. The site visit included the ULPL site, the ISF reach between the upper and lower lake sites, the LLPL site and the enlarged LLPL inundation area. Based on discussions, site visits and review of documents, CPW has concluded that the additional 900-foot inundation is not expected to significantly impact the natural environment. See CPW's recommendation letter, attached as Appendix C.

Conclusion

Based upon a review of the report prepared by Scott Parker, and upon staff's and CPW's discussions with the Applicant's representatives, it appears that the Applicant's request to inundate North Fork Lone Pine Creek supports the conclusion that the natural environment of North Fork Lone Pine Creek can continue to be preserved to a reasonable degree under the conditions described herein.

Staff Recommendation

Staff recommends that the Board:

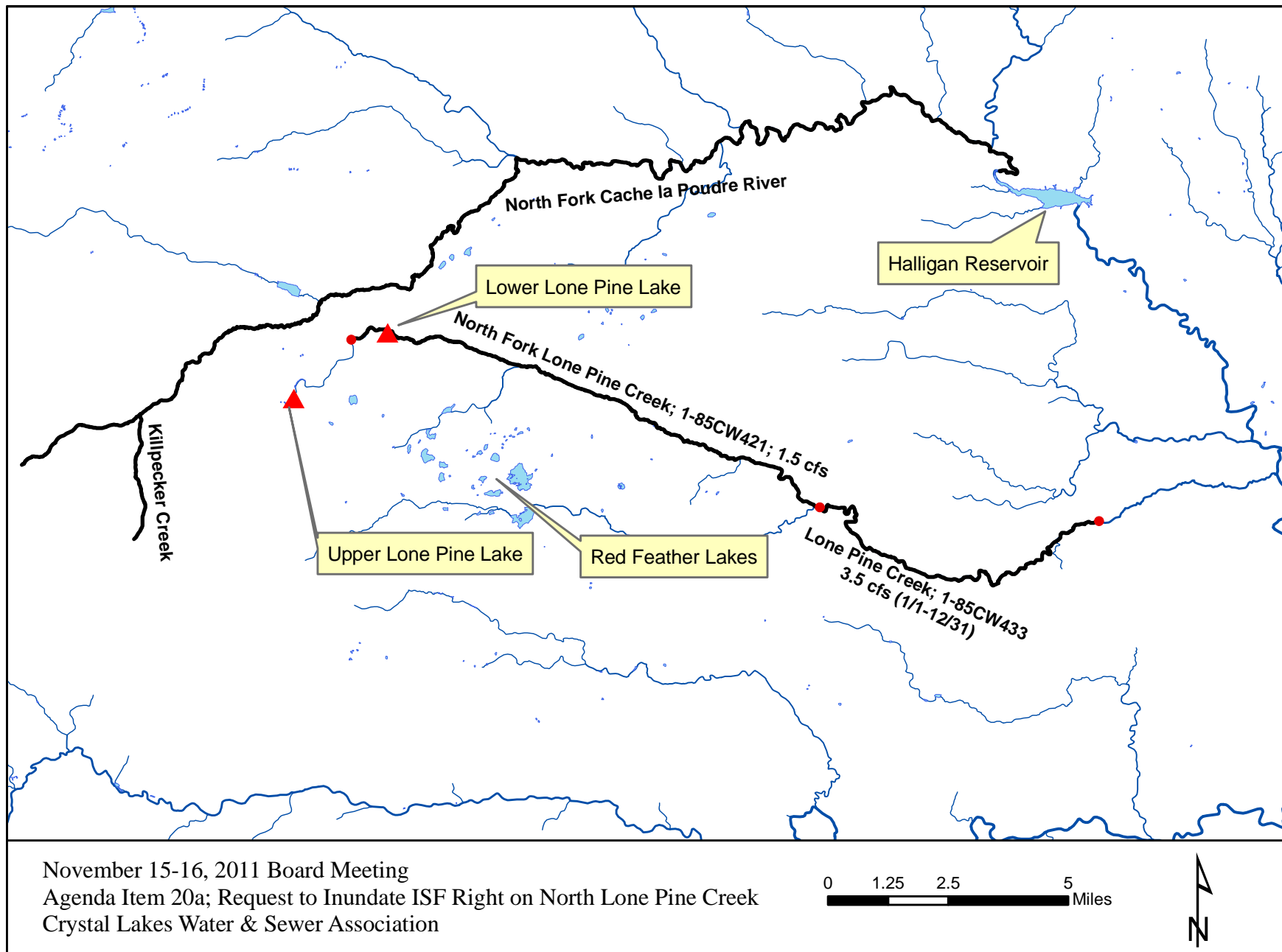
Determine that the inundation does not significantly interfere with the instream flow water right on North Fork Lone Pine Creek and therefore the natural environment of North Fork Lone Pine Creek can continue to be preserved to a reasonable degree despite the inundation, and approve the inundation request.

Attachments

- Appendix A: Map
- Appendix B: Applicant's Request to Inundate
- Appendix C: CPW Recommendation Letter

Appendix A

Map



Appendix B

Letter Request to Inundate



ANDERSON CONSULTING ENGINEERS, INC.

Civil • Water Resources • Environmental

RECEIVED

MAR 14 2011

Colorado Water Conservation Board

09CW185

March 11, 2011

Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

Re: Request to Inundate ISF right on North Lone Pine Creek (ISF Decree Case No. 85CW421)
[ACE Project No. COCLWSA03]

Dear CWCB Staff:

This letter is a Request to Inundate sent in conformance with Rule 7c of the CWCB Rules Concerning Instream Flow and Natural Lake Level Program (Rules). The Crystal Lakes Water and Sewer Association (CLWSA) filed an application for a change of water rights on December 28, 2009 (Case No. 09CW185) and a correction to that application on February 1, 2010. Both the application and correction are enclosed. The requested change involves using an enlarged Lower Lone Pine Lake (LLPL) as an alternate place of storage for conditional water rights on North Lone Pine Creek intended for Upper Lone Pine Lake (ULPL). The CWCB filed a Statement of Opposition to this application on February 26, 2010 citing potential injury to ISF rights, particularly inundation of the ISF right on North Lone Pine Creek (Case No. 85CW421).

The CLWSA is pursuing the enlargement of LLPL to provide an alternate place of storage for conditional water rights associated with ULPL, which has not been constructed. Storage on North Lone Pine Creek is an essential component of the augmentation plan for the Crystal Lakes Community, as it replaces depletions caused by wells on the lots in the North Lone Pine Creek basin. Enlarging LLPL will allow the CLWSA to comply with storage requirements in the Lone Pine Basin set forth in the augmentation plan. Enlarged LLPL will be a smaller reservoir than ULPL, but is designed to provide adequate storage and carryover to meet the requirements of the augmentation plan. The augmentation plan was decreed in Case No. W-8540-77.

The bulk of the land for the dam, diversion facilities and reservoir is already owned by the CLWSA. Negotiations with landowners for the remaining small parcels needed are under way. The CLWSA has authority to acquire the needed parcels through the power of eminent domain if necessary. Recreational fishing by the association members and guests is currently allowed

on LLPL. Control of additional property around the enlargement will allow for recreational fishing opportunities to be expanded.

Itemized below is the minimum required information as outlined in Rule 7e.

1. Locations of Lower Lone Pine Lake and Upper Lone Pine Lake.

The purpose of the LLPL enlargement is to provide an alternate place of storage for water appropriated under the conditional rights associated with ULPL, which has not yet been built. The locations below are repeated from the application and the correction. Please refer to the map included with the application.

Location of LLPL (physical and decreed): Southeast quarter Section 7, Township 10 North, Range 73 West of the 6th P.M., Larimer County.

Location of ULPL (decreed): Southeast quarter of the Northeast quarter Section 23, Township 10 North, Range 74 West of the 6th P.M., Larimer County.

2. Size of the Inundation.

The proposed enlargement of LLPL is 90 acre-feet, which qualifies it as a small inundation under Rule 7a. Existing LLPL is filled under an absolute right senior to the ISF right.

Table 1 contains size information on LLPL in both its existing state the proposed enlargement. The enlargement is also described in the application.

Table 1.
Properties of Lower Lone Pine Lake at Normal High Water Line
Existing and Enlarged

	Existing (approx.)	Enlarged
<i>NHWL Elevation</i>	7969 FT	7986 FT
<i>Volume</i>	10.5 AF	100.5 AF
<i>Area</i>	2.5 Acres	7 Acres
<i>Dam Height</i>	27 FT	44 FT

The existing footprint of LLPL covers 600 feet along the length of North Lone Pine Creek from the normal high water line to the downstream extent of the outlet. The enlargement will cover an additional 900 feet, bringing the total footprint to 1,500 feet along the creek.

3. Impact of the Inundation on the Natural Environment.

Enlarging LLPL will inundate 900 feet of North Lone Pine Creek. Inundation may result in a loss of habitat for species accommodated to the existing flow regime. Stream segments inundated will likely see changes to water temperature, oxygen levels and sediment transport. Inundation and fill in wetland areas will destroy organisms in the footprint of the fill and inundation.

Impacts to species were considered in the Department of the Army Permit Decision Document (Corps File No. 200380495) (404 Permit) This document is enclosed. The 404 Permit addressed impacts to threatened and endangered species, fish and other aquatic organisms as well as other wildlife. Items 7.4.1 and 7.4.2 on page 24 are typical of the conclusions of the assessment. The enlargement of the reservoir was not expected to impact endangered species. Likewise, no damaging effect on fish is expected, as North Lone Pine Creek was not observed to be suitable fish habitat. Aquatic invertebrates, which may be affected, are expected to recover. Item 7.4.3 on page 25 addresses other wildlife, again significant impacts are not expected and the site would likely improve habitat for some wildlife due to increased water area and surface flows.

Habitat loss associated with the inundation of wetlands will be mitigated as the wetlands are replaced at the upper fringes of the reservoir. See Item 2.4 on page 7 of the 404 permit, which states, "Mitigation will occur by creating an in-kind scrub/shrub wetland on the upstream portion of the reservoir."

4. Unique or Rare Characteristics of the ISF Right to be Inundated.

The CLWSA is not aware of any unique or rare characteristics of the ISF right on North Lone Pine Creek. No threatened or endangered species are expected to be affected by the enlargement, as previously addressed.

5. Regulatory Requirements and Conditions Imposed by Federal, State and/or Local Governments.

Other than terms, conditions and stipulations that may result from the water court proceedings and/or settlements with opposers, which will be addressed later, the only conditions the enlargement of LLPL is subject to are those stated in the enclosed 404 Permit, Item 10, pages 26 to 30.

6. Terms and Conditions included in the Applicant's Water Court Decree.

The CLWSA submitted a proposed decree to the court on September 30, 2010. The proposed decree is enclosed. The terms and conditions in the proposed decree are ordinary and common to decrees of this type. The CLWSA has not yet agreed to any specific stipulations with opposers at this time.

One item of particular concern to opposers is that the change to the ULPL rights will not result in an increase in the total draft upon the stream compared with the existing conditional and absolute water rights for Upper and Lower Lone Pine Lakes. As part of water court proceedings, the CLWSA provided opposers with a draft letter report dated January 17, 2011. This letter report, titled "Comparison of Contemplated Draft of Upper Lone Pine Lake to Anticipated Draft of Lower Lone Pine Lake" is enclosed. This report determines the contemplated draft of ULPL (271 acre-feet) based on water court and engineering planning documents. The report likewise sets forth the anticipated draft on ULPL rights of the enlargement; 107.5 acre-feet. Remaining available to ULPL rights is 163.5 acre-feet, which could be stored at the decreed site for ULPL. The proposed decree stipulates that not more than a total of 271 acre-feet will be stored on North Lone Pine Creek under the ULPL rights in any year. Adherence to this stipulation should be sufficient to prevent any expansion of draft on the stream beyond that contemplated for the ULPL rights.

7. Compensation or Mitigation offered by the CLWSA.

The CLWSA does not believe that any compensation or mitigation should be required, for the reason that the proposed inundation is small, as defined by Rule 7a, there is no expansion of use, the environmental impact is minimal, the enlargement to LLPL will expand recreational opportunities for the public, and importantly as pointed out by the Corps of Engineers the affected wetlands will be replaced by in-kind wetlands at the upstream end of the enlarged reservoir. Accordingly, CLWSA is not offering any compensation or mitigation for the proposed inundation.

The objection filed by CWCB staff indicates that uncertainty over the possible expansion of draft on the stream and environmental impacts prompted them to file a Statement of Opposition despite the fact that an SOP is not required for small inundations under the rules. These concerns have been addressed in this Request to Inundate. The CLWSA will limit the amount stored under ULPL rights to the contemplated draft of ULPL. The Corps of Engineers, in granting the 404 Permit, demonstrated that construction of the enlargement of LLPL will have a minimal and recoverable effect on wildlife at and around the site. The presence of the enlarged reservoir, making releases for augmentation purposes, will have the added benefit of improving habitat opportunity for fish and aquatic life downstream. This benefit would accrue to ISF rights downstream of the enlarged reservoir on Lone Pine Creek.

The enlargement will provide increased recreational opportunities to association members and their guests. This benefit extends to all property owners in Crystal Lakes Community and their guests and is not limited to properties around the lake.

If you have any questions or need additional information please do not hesitate to call (970-226-0120) or email me (srparker@acewater.com).

Sincerely,
ANDERSON CONSULTING ENGINEERS, INC.



Scott R. Parker, P.E.
Project Engineer

SRP/pjb

Attachments (5):

1. Application for Change of Water Rights (Case No. 09CW185), December 28, 2009.
2. Correction of Application for Change of Water Rights (Case No. 09CW185), February 1, 2010.
3. Department of the Army Permit Decision Document (Corps File No. 200380495), September 30, 2010.
4. Proposed Decree (Case No. 09CW185), September 30, 2010.
5. Draft Letter Report RE: Comparison of Contemplated Draft of Upper Lone Pine Lake to Anticipated Draft of Lower Lone Pine Lake, January 17, 2011.

cc: Mr. Bob Krassa, Krassa & Miller, LLC
Mr. Steve Koeckeritz, President CLWSA
Ms. Jody Sandquist, Manager CLWSA

Appendix C

CPW Recommendation



COLORADO PARKS & WILDLIFE

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wildlife.state.co.us • parks.state.co.us

November 2, 2011

Ms. Linda Bassi
Colorado Water Conservation Board
Stream and Lake Protection Section
1313 Sherman Street, Room 723
Denver, Colorado 80203

Re: Request to Inundate – Case No. 1-09CW185; Crystal Lakes Water and Sewer Association, Inc.

Dear Linda,

The purpose of this letter is to transmit the Colorado Parks and Wildlife's (CPW) recommendation regarding the proposal to inundate a portion of the instream flow water right on North Fork Lone Pine Creek by the Crystal Lakes Water and Sewer Association (Crystal Lakes). The inundation of North Fork Lone Pine Creek is a result of the enlargement of Lower Lone Pine Lake (LLPL), an existing dam and reservoir, located on North Fork Lone Pine Creek. North Fork Lone Pine Creek is tributary to Lone Pine Creek and the North Fork Cache la Poudre River.

Extent of proposed injury

The Board holds the following ISF water right that could have been injured by this inundation.

CWCB Case No.	<i>Stream/Lake</i>	Amount (cfs)	Approp. Date	Watershed	County
1-85CW421	North Fork Lone Pine Creek	1.5	11/8/1985	Cache la Poudre	Larimer

Crystal Lakes has applied for and received a 404 Permit (No. 200380495) from the Army Corps of Engineers (ACOE) to expand LLPL. The proposed project would consist of enlarging the existing 10.5 acre-foot LLPL by 90 acre-feet to a total of 100.5 acre-feet. The existing dam crest height would be raised approximately 15 feet bringing the Normal High Water Line (NHWL) elevation to 7,986.5 feet. The surface acreage of the existing reservoir would expand from 2 surface acres to approximately 6.4 surface acres. The project is expected to permanently impact approximately 0.602 acre of scrub/shrub wetlands. Of this total, 0.097 acre of wetland would be directly impacted by fill from the enlargement of the dam, and 0.505 acre would be impacted as a result of inundation. Project impacts will be mitigated at a 1:1 ratio, on-site and in-kind. Mitigation will occur by creating an in-kind scrub/shrub wetland near the inlet of the enlarged reservoir.

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources

Rick D. Cables, Director, Colorado Parks and Wildlife

Parks and Wildlife Commission: David R. Brougham • Gary Butterworth, Vice-Chair • Chris Castilian

Dorothea Farris • Tim Glenn, Chair • Allan Jones • Bill Kane • Gaspar Perricone • Jim Pribyl • John Singletary

Mark Smith, Secretary • Robert Streeter • Lenna Watson • Dean Wingfield

Ex Officio Members: Mike King and John Salazar

The enlarged LLPL will inundate approximately 900 linear feet of the CWCB's North Fork Lone Pine Creek instream flow water right. The inundated section of North Fork Lone Pine Creek is privately owned and inaccessible to the general public. The existing LLPL dam is 27 feet high and presently prevents fish migration through the reach.

Discussion

The inundation is due to an enlargement of an existing LLPL dam. The new storage water will be used for municipal, augmentation and other beneficial uses. Crystal Lakes has requested a change of water rights to store conditional water rights decreed to Upper Lone Pine Lake (ULPL), which has not been built, to the existing LLPL. LLPL is located approximately 3 miles downstream of the conditional ULPL site. According to Crystal Lakes "storage on North Lone Pine Creek is an essential component of the augmentation plan for the Crystal Lakes Community, as it replaces depletions caused by wells on the lots in the North Lone Pine Creek basin." The existing LLPL was decreed in Case No. 78-W9288 for 10.5 acre-feet and is senior to the ISF. The conditional ULPL water right was decreed in Case No. 74-W7633 for 93.73 acre-feet with additional conditional enlargements decreed in Case No. 78-W9287 (25.48 acre-feet) and Case No. 91CW116 (151.79 acre feet). The original conditional and the first reservoir enlargement water rights (totaling 119.21 acre feet) are senior to the ISF water right on North Fork Lone Pine Creek.

CWCB and CPW staff met with representatives from Crystal Lakes on August 15, 2011, for a field visit. The field visit included the ULPL site, the ISF reach between the upper and lower lake sites, the LLPL site and the section of North Lone Pine Creek which will be inundated by the enlarged LLPL. After visiting the upper and lower reservoir sites and talking with representatives from Crystal Lakes it became apparent that the enlargement of the existing LLPL would be less injurious than constructing a new larger reservoir at the ULPL location. In addition, the ACOE 404 Permit requires that the wetland impacts from the project will be mitigated at a 1:1 ratio. This mitigation is on-site and in-kind and will occur by creating an in-kind scrub/shrub wetland near the upstream end of the enlarged reservoir. The enlarged reservoir will also ensure that Crystal Lakes' existing and future out-of-priority well depletions will be replaced downstream of LLPL which should help instream flows in North Fork Lone Pine Creek.

Rule 7(a) of the Instream Flow Rules defines small inundations as inundations in which the impoundment is:

- 100 acre-feet or less, or
- the surface acreage of the impoundment is 20 acres or less, or
- the dam height of the structure is 10 feet or less.

The LLPL impoundment after construction will be:

- a total of 100.5 acre-feet, and
- the surface acreage of the impoundment will be 6.4 surface acres, and
- the dam crest height will be 25 feet, with a NHWL elevation of 7,986.5 feet.

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Ex Officio Members: Mike King and John Salazar

The proposed enlarged LLPL reservoir would still be considered a small inundation under ISF Rule 7(a).

CPW Recommendation

CPW staff after considering all of the above information and visually surveying the 900 foot section of North Fork Lone Pine Creek that will be inundated has concluded that the CWCB's instream flow water right will not be significantly interfered with by the proposed inundation. CPW is recommending the CWCB approve Crystal Lake's Request to Inundate. If you have any questions regarding this recommendation please give me a call.

Sincerely,

Mark Uppendahl ~ via e-mail

Mark Uppendahl
Colorado Division of Wildlife
Instream Flow Program Coordinator

Cc: Jay Skinner, CPW Water Resources Unit Manager
Ken Kehmeyer, CPW Senior Fish Biologist – Northeast Region
Kurt Davies, CPW Aquatic Biologist

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