

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



TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Jeff Baessler
Stream and Lake Protection Section

Mike King
DNR Executive Director

DATE: May 1, 2012

Jennifer L. Gimbel
CWCB Director

SUBJECT: **Agenda Item 10, May 15-16, 2012 Board Meeting**
Stream and Lake Protection – Uncontested 2012 Instream Flow
Appropriations

Introduction and Staff Recommendation

At its January 24, 2012 and March 21, 2012 meetings, the CWCB formed its intent to appropriate instream flow ("ISF") water rights on 4 new stream segments in Water Division 3, and 8 new segments in Water Division 1, respectively. All 12 segments were uncontested and are ready for final Board action pursuant to Rule 5h. of the Rules Concerning Colorado's Instream Flow and Natural Lake Level Program ("ISF Rules").

Staff requests that the Board make the following determinations and take the following actions on each of the appropriations, based on the information contained in this memo as well as the information presented by staff both in writing and orally at the January 24, and March 21, 2012 Board meetings.

- (1) Determine, pursuant to section 37-92-102(3), C.R.S., and based upon the recommendations of the Bureau of Land Management (BLM), a review of the data and other information presented by Staff, in this memo and orally, that:
 - (a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
 - (b) Water is available in each stream for appropriation;
 - (c) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
 - (d) Such natural environment can exist without material injury to water rights.
- (2) Pursuant to ISF Rule 5f., establish January 24, 2012 as the appropriation date for the 4 ISF water rights in Water Division 3, and establish March 21, 2012 as the appropriation date for the 8 ISF water rights in Water Division 1.

(3) Direct Staff to include language in the applications and decrees for the Water Division 1 ISF rights stating that these ISF water rights will not deprive the people of the state of Colorado of the beneficial use of those waters available by law and interstate compact.

(4) Direct staff to request the Attorney General's Office to file the necessary water rights applications.

Discussion

On January 24, 2012 and March 21, 2012, the CWCB formed its intent to appropriate ISF water rights on a total of 12 stream segments in Water Divisions 3 and 1. All 12 segments, shown on the attached tables, are being recommended by staff for final action. The U.S. Bureau of Land Management ("BLM") recommended these streams for inclusion into the CWCB's Instream Flow and Natural Lake Level Program. Pursuant to ISF Rule 5h., these stream segments, which were not contested, are being recommended to the Board for Final Action.

Technical Investigations

The Board was provided detailed information regarding all field data, studies and analyses for each stream segment at both its January 24 and March 21, 2012 Board meetings.

Natural Environment Studies

The BLM conducted field surveys on these streams and found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the BLM staff collected biologic and hydraulic data, and the CWCB staff reviewed and analyzed this data. Based on the results of these reviews and analyses, the CWCB staff prepared recommendations for the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams.

Water Availability Studies

The CWCB staff has conducted evaluations of water availability for these streams. To determine the amount of water physically available for the Board's appropriations, staff analyzed available USGS gage records, available streamflow models, and utilized appropriate standard methods to develop a hydrograph of mean daily flows for each recommendation. Staff also relied upon the flow measurements made as part of the field survey, to further verify the amount of water physically available in these streams. In addition, staff analyzed the water rights tabulation and consulted with the Division Engineer's Office to identify any potential water availability problems. Based upon its analysis, staff has determined that water is available for appropriation on each stream to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of existing water rights.

Relevant Instream Flow Rules

5f. Date of Appropriation. The Board may select an appropriation date that may be no earlier than the date the Board declares its intent to appropriate. The Board may declare its intent to appropriate when it concludes that it has received sufficient information that reasonably supports the findings required in Rule 5i.

5h. Final Board Action on an ISF Recommendation. The Board may take final action on any uncontested Staff Recommendation(s) at the May Board meeting or any Board meeting thereafter. If a Notice to Contest has been filed, the Board shall proceed under Rule 5j-5q.

5i. Required Findings. Before initiating a water right filing to confirm its appropriation, the Board must make the following determinations:

- (1) Natural Environment. That there is a natural environment that can be preserved to a reasonable degree with the Board's water right if granted.
- (2) Water Availability. That the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made.
- (3) Material Injury. That such environment can exist without material injury to water rights.

These determinations shall be subject to judicial review in the water court application and decree proceedings initiated by the Board, based on the Board's administrative record and utilizing the criteria of section 24-4-106(6) and (7), C.R.S. (2008).

Attachments



Colorado Water Conservation Board

Instream Flow Tabulation - Streams



Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
12/1/A-005 (increase)	Fish Creek	Upper Laramie	Larimer	confl unnamed tributary at lat 40 56 48N long 106 07 28W	confl Johnson Creek at lat 40 58 56N long 106 04 36W	4.31	Old Roach	0.2 (11/1 - 4/30) 2.9 (5/1 - 7/15) 0.9 (7/16 - 10/31)	
12/1/A-001	Forrester Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 51 44N long 106 04 38W	hdgt Forrester Creek Ditch at lat 40 55 10N long 105 58 49W	6.87	Crazy Mountain Old Roach Shipman Mountain	0.7 (11/1 - 4/30) 1.7 (5/1 - 8/31) 1.1 (9/1 - 10/31)	
12/1/A-002	Grace Creek	Upper Laramie	Larimer	confl NF & SF Grace Creek at lat 40 54 56N long 106 03 00W	hdgt Grace Creek Ditch at lat 40 55 46N long 106 00 40W	2.46	Old Roach	2 (11/1 - 4/30) 5.5 (5/1 - 8/15) 3.6 (8/16 - 10/31)	
12/1/A-006	Johnson Creek	Upper Laramie	Larimer	confl unnamed tributary at lat 40 59 22N long 106 06 12W	confl Fish Creek at lat 40 58 56N long 106 04 36W	1.69	Old Roach	1.6 (11/1 - 3/31) 2.3 (4/1 - 10/31)	
12/1/A-007	Johnson Creek	Upper Laramie	Larimer	confl Fish Creek at lat 40 58 56N long 106 04 36W	confl Pole Creek at lat 40 59 25N long 106 03 26W	1.33	Old Roach	1.6 (11/1 - 3/31) 3.8 (4/1 - 10/31)	
12/1/A-008 (increase)	Johnson Creek	Upper Laramie	Larimer	confl Pole Creek at lat 40 59 25N long 106 03 26W	CO-WY stateline at lat 40 59 50N long 106 03 07W	0.64	Old Roach	1.8 (4/1 - 10/31)	
12/1/A-004 (increase)	Pole Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 54 57N long 106 07 26W	confl Johnson Creek at lat 40 59 25N long 106 03 26W	7.34	Old Roach	0.25 (11/1 - 4/30) 1.25 (5/1 - 8/15) 0.8 (8/16 - 10/31)	
12/1/A-003 (increase)	Stuck Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 52 54N long 106 07 16W	hdgt Warren Ditch at lat 40 59 17N long 106 00 45W	10.89	Old Roach	1.1 (11/1 - 4/30) 2 (5/1 - 10/31)	

Instream Flow Tabulation - Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
					Totals for Water Division 1	Total # of Stream Miles =		35.53	
						Total # of Appropriations =		8	
						(Totals do not include donated/acquired water rights)			

Instream Flow Tabulation - Water Division 3

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
12/3/A-003	Brewery Creek	San Luis Creek	Saguache	USFS Boundary at lat 38 17 24N long 106 10 29W	confl Kerber Creek at lat 38 16 38N long 106 08 60W	1.79	Bonanza	1.6 (11/16 - 3/31) 2.85 (4/1 - 7/31) 2.1 (8/1 - 11/15)	
12/3/A-004	Elkhorn Gulch	San Luis Creek	Saguache	USFS-BLM Boundary at lat 38 17 24N long 106 10 29W	confl Kerber Creek at lat 38 16 57N long 106 08 35W	0.32	Bonanza Whale Hill	1.05 (4/15 - 7/31) 0.55 (8/1 - 4/14)	
12/3/A-001	Kerber Creek	San Luis Creek	Saguache	confl Elkhorn Gulch at lat 38 16 57N long 106 08 35W	confl Brewery Creek at lat 38 16 38N long 106 08 60W	0.55	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)	
12/3/A-002	Kerber Creek	San Luis Creek	Saguache	confl Brewery Creek at lat 38 16 38N long 106 08 60W	hdgt Wells Kerber Ditch at lat 38 13 58N long 105 59 09W	13.10	Bonanza Graveyard Gulch Klondike Mine Villa Grove	2.6 (11/16 - 3/31) 6.75 (4/1 - 7/31) 4 (8/1 - 11/15)	

Totals for Water Division 3

Total # of Stream Miles = 15.76

Total # of Appropriations = 4

(Totals do not include donated/acquired water rights)

Report Totals

Total # of Stream Miles = 51.29

Total # of Appropriations = 12

(Totals do not include donated/acquired water rights)

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



NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2012 Instream Flow Appropriations
Water Divisions 1

Date: March 26, 2012

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

At its March 20-21, 2012 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow water rights for the 8 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 April 30, 2012. Notice of any Contested Appropriations will be sent out to the ISF Subscription Mailing List(s) by May 4, 2012. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than May 31, 2012, or the first business day thereafter.

(e) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the November 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. 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)
1	Fish Creek (Increase)	Upper Laramie	Larimer	4.31	Confl. Unnamed Tributary	Confl. Johnson Creek	Old Reach	0.2 (11/1-4/30) 2.9 (5/1-7/15) 0.9 (7/16-10/31)
1	Forrester Creek	Upper Laramie	Larimer	6.87	Headwaters	Hdgt. Forrester Creek Ditch	Old Reach, Crazy Mtn., Shipman Mtn.	0.7 (11/1-4/30) 1.7 (5/1-8/31) 1.1 (9/1-10/31)
1	Grace Creek	Upper Laramie	Larimer	2.46	Confl. NF & SF Grace Creek	Hdgt. Grace Creek Ditch	Old Reach	2 (11/1-4/30) 5.5 (5/1-8/15) 3.6 (8/16-10/31)
1	Johnson Creek	Upper Laramie	Larimer	1.69	Confl. Unnamed Tributary	Confl. Fish Creek	Old Reach	1.6 (11/1-3/31) 2.3 (4/1-10/31)
1	Johnson Creek	Upper Laramie	Larimer	1.33	Confl. Fish Creek	Confl. Pole Creek	Old Reach	1.6 (11/1-3/31) 3.8 (4/1-10/31)
1	Johnson Creek (Increase)	Upper Laramie	Larimer	0.64	Confl. Pole Creek	CO-WY Stateline	Old Reach	1.8 (4/1-10/31)
1	Pole Creek (Increase)	Upper Laramie	Larimer	7.34	Headwaters	Confl. Johnson Creek	Old Reach	0.25 (11/1-4/30) 1.25 (5/1-8/15) 0.8 (8/16-10/31)
1	Stuck Creek (Increase)	Upper Laramie	Larimer	10.89	Headwaters	Hdgt. Warren Ditch	Old Reach	1.1 (11/1-4/330) 2 (5/1-10/31)

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



TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Jeff Baessler
Stream and Lake Protection Section

Mike King
DNR Executive Director

DATE: March 6, 2012

Jennifer L. Gimbel
CWCB Director

SUBJECT: **Agenda Item 25, March 20-21, 2012, Board Meeting**
Stream and Lake Protection Section – New Appropriation Recommendations
in Water Division 1.

Introduction and Staff Recommendation

This memo provides an overview of the technical analyses that were performed by both the recommending entities and CWCB staff to provide the Board with sufficient information to declare its intent to appropriate in accordance with the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (“ISF Rules”). Staff’s detailed analysis of each stream, contained in the Instream Flow Recommendation Reports attached to this memo, provides the technical basis for each appropriation.

Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an ISF water right on each stream segment listed on the attached Tabulation of Instream Flow and Natural Lake Level Recommendations, and direct Staff to publicly notice the Board’s declaration of its intent to appropriate.

Background

Pursuant to ISF Rule 5d., staff is requesting the Board to declare its intent to appropriate instream flow water rights on the stream segments identified in the attached table. Staff has reviewed each proposed stream segment to ensure that for each instream flow recommendation, the data set is complete and standard methods and procedures were followed. In addition, staff has completed its water availability studies. Staff has identified 9 stream segments in Water Division 3 for which sufficient information has been compiled and analyses performed upon which the Board can base its intent to appropriate. One segment is located in both Gilpin and Jefferson Counties within the Clear Creek watershed. The other 8 segments are located in Larimer County in the Laramie River Watershed.

Technical Investigations

Staff’s executive summary and technical analysis of each stream are contained in the Instream Flow Recommendation Reports and form the basis for staff’s recommendations. In addition to the reports, a CD containing the scientific data and technical analyses performed by the recommending entity is located in the front pocket of the Board notebook.

Natural Environment Studies

The Bureau of Land Management (BLM) and Colorado Parks and Wildlife (CPW) have conducted field surveys of the natural environment resources on these streams and have found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the recommending entities have collected biologic and hydraulic data that were analyzed by CWCB staff. Based on the results of these analyses, staff prepared recommendations of the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams listed on the attached Tabulation of Instream Flow and Natural Lake Level Recommendations.

Water Availability Studies

Staff has conducted an evaluation of water availability for the streams listed. To determine the amount of water physically available for the Board's appropriations, staff analyzed available USGS gage records, available streamflow models, and/or utilized appropriate standard methods to develop a hydrograph of median and/or mean daily flows for each stream flow recommendation. In addition, staff analyzed the water rights tabulation for each stream and has consulted with the Division Engineer's Office to identify any potential water availability problems. Based upon its analyses, staff has determined that water is available for appropriation on each stream to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of valid water rights.

Instream Flow Rule 5d.

Rule 5d. provides that the Board may declare its intent to appropriate ISF water rights after reviewing Staff's recommendations for the proposed appropriations. Rule 5d. also sets forth the activities that take place after the Board declares its intent that initiate the public notice and comment procedure for the ISF appropriations. Specifically,

5d. Board's Intent to Appropriate. Notice of the Board's potential action to declare its intent to appropriate shall be given in the January Board meeting agenda and the Board will take public comment regarding its intent to appropriate at the January meeting.

- (1) After reviewing Staff's ISF recommendations for proposed ISF appropriations, the Board may declare its intent to appropriate specific ISF water rights. At that time, the Board shall direct the Staff to publicly notice the Board's declaration of its intent to appropriate.
- (2) After the Board declares its intent to appropriate, notice shall be published in a mailing to the ISF Subscription Mailing Lists for the relevant water divisions and shall include:
 - (a) A description of the appropriation (e.g. stream reach, lake location, amounts, etc.);
 - (b) Availability (time and place) for review of Summary Reports and Investigations Files for each recommendation; and,
 - (c) Summary identification of any data, exhibits, testimony or other information in addition to the Summary Reports and Investigations Files supporting the appropriation.
- (3) Published notice shall also contain the following information:
 - (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 31st, 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 30th, or the first business day thereafter.
 - (e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 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.
- (4) After the Board declares its intent to appropriate, notice of the Board's action shall be mailed within five working days to the County Commissioners of the county(ies) in which the proposed reach or lake is located.

Attachment



Colorado Water Conservation Board

Instream Flow Tabulation - Streams



Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
12/1/A-005 (increase)	Fish Creek	Upper Laramie	Larimer	confl unnamed tributary at lat 40 56 48N long 106 7 28W	confl Johnson Creek at lat 40 58 56N long 106 04 36W	4.31	Old Roach	0.2 (11/1 - 4/30) 2.9 (5/1 - 7/15) 0.9 (7/16 - 10/31)	
12/1/A-001	Forrester Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 51 44N long 106 04 38W	hdgt Forrester Creek Ditch at lat 40 55 10N long 105 58 49W	6.87	Crazy Mountain Old Roach Shipman Mountain	0.7 (11/1 - 4/30) 1.7 (5/1 - 8/31) 1.1 (9/1 - 10/31)	
12/1/A-002	Grace Creek	Upper Laramie	Larimer	confl NF & SF Grace Creek at lat 40 54 56N long 106 03 00W	hdgt Grace Creek Ditch at lat 40 55 46N long 106 00 40W	2.46	Old Roach	2 (11/1 - 4/30) 5.5 (5/1 - 8/15) 3.6 (8/16 - 10/31)	
12/1/A-006	Johnson Creek	Upper Laramie	Larimer	confl unnamed tributary at lat 40 59 22N long 106 06 12W	confl Fish Creek at lat 40 58 56N long 106 04 36W	1.69	Old Roach	1.6 (11/1 - 3/31) 2.3 (4/1 - 10/31)	
12/1/A-007	Johnson Creek	Upper Laramie	Larimer	confl Fish Creek at lat 40 58 56N long 106 04 36W	confl Pole Creek at lat 40 59 25N long 106 03 26W	1.33	Old Roach	1.6 (11/1 - 3/31) 3.8 (4/1 - 10/31)	
12/1/A-008 (increase)	Johnson Creek	Upper Laramie	Larimer	confl Pole Creek at lat 40 59 25N long 106 03 26W	CO-WY stateline at lat 40 59 50N long 106 03 07W	0.64	Old Roach	1.8 (4/1 - 10/31)	
12/1/A-009	North Clear Creek	Clear Creek	Jefferson Gilpin	confl Chase Gulch at lat 39 48 14N long 105 29 48W	confl Clear Creek at lat 39 44 46N long 105 23 53W	7.68	Black Hawk Squaw Pass	2.25 (11/1 - 3/14) 3.75 (3/15 - 10/31)	
12/1/A-004 (increase)	Pole Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 54 57N long 106 07 26W	confl Johnson Creek at lat 40 59 25N long 106 03 26W	7.34	Old Roach	0.25 (11/1 - 4/30) 1.25 (5/1 - 8/15) 0.8 (8/16 - 10/31)	

Instream Flow Tabulation - Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
12/1/A-003 (increase)	Stuck Creek	Upper Laramie	Larimer	headwaters in the vicinity of lat 40 52 54N long 106 07 16W	hdgt Warren Ditch at lat 40 59 17N long 106 00 45W	10.89	Old Roach	1.1 (11/1 - 4/30) 2 (5/1 - 10/31)	

Totals for Water Division 1	Total # of Stream Miles =	43.21
	Total # of Appropriations =	9
<i>(Totals do not include donated/acquired water rights)</i>		

Report Totals	Total # of Stream Miles =	43.21
	Total # of Appropriations =	9
<i>(Totals do not include donated/acquired water rights)</i>		

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



NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2012 Instream Flow Appropriations Water Divisions
1,2,3,4, 5 and 6

Date: November 4, 2011

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

This notice complements previous notice, made pursuant to ISF Rule 5c., which identified the streams to be considered for instream flow appropriations in 2012. At the January or March 2012 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate Instream Flow (ISF) water rights for the streams listed on the attached Instream Flow Appropriation List. The attached list contains a description of the ISF recommendations including: water division, stream name, county, and recommending entity.

Copies of the Instream Flow Stakeholder Recommendations 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 721, Denver, Colorado, 80203. In addition to the CWCB office, copies of the Instream Flow Stakeholder Recommendations are available on the CWCB website at

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

In addition to the above ISF Stakeholder Recommendations 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 pursuant to the [ISF Rules](#):

5d. (3)

(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, 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, 2012 or the first business day thereafter.

(e) Staff will announce its final staff ISF recommendation concerning contested appropriations at the September 2012 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 2012 Board meeting.

Please note that any ISF recommendations brought to the Board at the March 2012 meeting for appropriation will be processed on a modified schedule as established by the Board.

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 or rob.viehl@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, will provide copies of all written comments to the Board, 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	Name	County	Recommender(s)
1	North Clear Creek <i>Confl. Chase Gulch to Confl. Clear Creek</i>	Gilpin	CDPHE, CPW
1	Forrester Creek <i>Headwaters to Forrester Creek Ditch Headgate</i>	Larimer	BLM
1	Grace Creek <i>Confl. NF & SF Grace Creek to Grace Creek Ditch Headgate</i>	Larimer	BLM
1	Stuck Creek <i>Headwaters to Warren Ditch Headgate (increase)</i>	Larimer	BLM
1	Pole Creek <i>Headwaters to Confl. Johnson Creek (increase)</i>	Larimer	BLM
1	Fish Creek <i>Confl. Unnamed Tributary to Confl. Johnson Creek (increase)</i>	Larimer	BLM
1	Johnson Creek <i>Confl. Unnamed Tributary to Confl. Fish Creek</i>	Larimer	BLM
1	Johnson Creek <i>Confl. Fish Creek to Confl. Pole Creek</i>	Larimer	BLM
1	Johnson Creek <i>Confl. Pole Creek to Colorado-Wyoming border (increase)</i>	Larimer	BLM
2	Apishapa River <i>Headwaters to confl. Herick Canyon Creek</i>	Las Animas	CPW
2	West Beaver Creek <i>Confl. Douglas Gulch to Confl. East Beaver Creek</i>	Fremont, Teller	CPW
2	Beaver Creek <i>Confl. East & West Beaver Creeks to Confl. Patton Canyon</i>	Fremont	CPW
3	Kerber Creek <i>Confl. Elkhorn Gulch to Confl. Brewery Creek</i>	Saguache	BLM
3	Kerber Creek	Saguache	BLM

	<i>Confl. Brewery Creek to Wells Kerber Ditch Headgate</i>		
3	Brewery Creek <i>USFS Boundary to Confl. Kerber Creek</i>	Saguache	BLM
3	Elkhorn Gulch <i>Headwaters to Confl. Kerber Creek</i>	Saguache	BLM
4	Ute Creek <i>Headwaters to Confl. West Creek</i>	Mesa	BLM
5	Beaver Creek <i>Headwaters to Rifle Town Intake</i>	Garfield	CPW
5	Beaver Dams Creek <i>Headwaters to Confl. East Divide Creek</i>	Mesa	CPW
5	East Divide Creek <i>Confl. Gennings Creek to Confl. Camp Creek</i>	Mesa & Garfield	CPW
5	East Divide Creek <i>Confl. Camp Creek to Confl. June Creek</i>	Garfield	CPW
5	West Divide Creek <i>Confl. Little Beaver Creek to Confl. Mosquito Creek</i>	Mesa	CPW
5	Meadow Creek <i>Outlet Meadow Creek Reservoir to Confl. Main Elk Creek</i>	Garfield	CPW
6	Piceance Creek <i>Confl. Dry Fork to Confl. White River</i>	Rio Blanco	BLM & CPW
6	Yellow Creek <i>Springs in Sec. 12, T1N, R98W 6th PM to Confl. White River</i>	Rio Blanco	BLM & CPW

CPW (Colorado Division of Parks and Wildlife), BLM (Bureau of Land Management), and CDPHE (Colorado Department of Public Health and Environment)

Viehl, Rob

From: rob.viehl@state.co.us
Sent: Thursday, March 10, 2011 9:21 AM
To: Viehl, Rob
Subject: CWCB Proposed 2012 Instream Flow Recommendations



Pursuant to ISF Rule 5c of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, this notice identifies the streams to be considered for instream flow appropriations in 2012. At the January 2012 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, and USGS quad sheet name(s).

Copies of the Instream Flow Recommendations and Appendices of data 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 Recommendations are available online at:

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

In addition to the above Instream Flow Recommendations 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 pursuant to the [ISF Rules](#):

5d. (3)

(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, 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, 2012 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2012 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 2012 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, or rob.viehl@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)
1	Forrester Creek	Upper Laramie	Larimer	6.9	Headwaters	Forrester Creek Ditch Headgate	Shipman Mtn, Old Roach, Crazy Mtn
1	Grace Creek	Upper Laramie	Larimer	2.5	confl. NF & SF Grace Creek	Grace Creek Ditch Headgate	Old Roach
1	Stuck Creek (increase)	Upper Laramie	Larimer	10.9	Headwaters	Warren Ditch Headgate	Old Roach
1	Pole Creek (increase)	Upper Laramie	Larimer	7.3	Headwaters	confl. Johnson Creek	Old Roach
1	Fish Creek (increase)	Upper Laramie	Larimer	4.3	confl. Unnamed Tributary	Confl. Johnson Creek	Old Roach
1	Johnson Creek	Upper Laramie	Larimer	1.7	confl. Unnamed Tributary	confl. Fish Creek	Old Roach
1	Johnson Creek	Upper Laramie	Larimer	1.3	confl. Fish Creek	confl. Pole Creek	Old Roach
1	Johnson Creek (increase)	Upper Laramie	Larimer	0.7	confl. Pole Creek	Colorado-Wyoming border	Old Roach
1	North Clear Creek	Clear	Gilpin, Jefferson	7.7	confl. Chase Gulch	confl. Clear Creek	Black Hawk, Squaw Pass
2	West Beaver Creek	Upper Arkansas	Freemont, Teller	7.5	confl. Douglas Gulch	confl. East Beaver Creek	Big Bull Mtn, Phantom Canyon
2	Beaver Creek	Upper Arkansas	Freemont	8.9	confl. East Beaver Creek	confl. unnamed tributary	Phantom Canyon, Mount Pittsburg
2	Apishapa River	Apishapa	Las Animas	4.5	Headwaters	confl. Herick Canyon Creek	Cucharas Pass, Herlick Canyon
3	Kerber Creek	San Luis	Saguache	0.6	confl. Elkhorn Gulch	confl. Brewery Creek	Bonanza
3	Kerber Creek	San Luis	Saguache	13.3	confl. Brewery Creek	Wells Kerber Ditch Headgate	Bonanza, Klondike Mine, Graveyard Gulch
3	Brewery Creek	San Luis	Saguache	1.3	USFS Boundary	confl. Kerber Creek	Bonanza
3	Elkhorn Gulch	San Luis	Saguache	2.6	Headwaters	confl. Kerber Creek	Whale Hill, Bonanza
4	Ute Creek	Lower Dolores	Mesa	7.9	Headwaters	confl. West Creek	Pine Mtn, Gateway
5	Beaver Creek	Colorado Headwaters-Plateau	Mesa	6.5	Headwaters	Rifle Town Intake	North Mamm Peak
5	Beaver Dams Creek	Colorado Headwaters-Plateau	Mesa	1.6	Headwaters	confl. East Divide Creek	Quaker Mesa
5	East Divide Creek	Colorado	Mesa,	3.5	confl. Gennings Creek	confl. Camp Creek	Quaker Mesa,

		Headwaters-Plateau	Garfield				Center Mtn
5	East Divide Creek	Colorado Headwaters-Plateau	Garfield	9.4	confl. Camp Creek	confl. June Creek	Center Mtn, Gibson Gulch
5	West Divide Creek	Colorado Headwaters-Plateau	Mesa	8.1	confl. Little Beaver Creek	confl. Mosquito Creek	Quaker Mesa, Flatiron Mtn
5	Meadow Creek	Colorado Headwaters-Plateau	Garfield	8.2	Outlet Meadow Creek Reservoir	confl. Main Elk Creek	Meadow Creek Lake, Deer Creek Point
5	Colorado River	Colorado Headwaters	Eagle / Grand	23.7	confl. Blue River	confl. Piney River	Kremmling, Sheephorn Mtn., Radium, McCoy, State Bridge
5	Colorado River	Colorado Headwaters	Eagle	45.8	confl. Piney River	confl. Eagle River	State Bridge, McCoy, Blue Hill, Burns North, Burns South, Sugarloaf Mtn., Wolcott
6	North Fork North Platte River	North Platte Headwaters	Jackson	7.5	headwaters	headgate Little Nellie Ditch	Boettcher Lake, Davis Peak, Pearl
6	South Fork Big Creek	Upper North Platte	Jackson	1.9	confl. Wheeler Creek	Colorado-Wyoming Stateline	Pearl
6	Wheeler Creek	Upper North Platte	Jackson	4.8	headwaters	confl. South Fork Big Creek	Independence Mtn., Pearl
6	Piceance Creek	Piceance-Yellow	Rio Blanco	7.7	confl. with Dry Fork	confl. White River	Barcus Creek SE, White River City
6	Yellow Creek	Piceance-Yellow	Rio Blanco	11.8	Springs in NWNE S12, T1N R98W, 6PM	confl. White River	Barcus Cr., Barcus Cr SE, Rough Gulch,

Please access the CWCB/IBCC Insider on the [CWCB](#) or [IBCC](#) websites to manage your account, including changing your default password, editing your contact data, updating your registration to the various public subscription lists, and deleting your account.

If you believe that you received this email in error, or the content is not correct, please reply to this email with specifics.