



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Chief 
Jeff Baessler, Deputy Section Chief 
Stream and Lake Protection Section

DATE: January 25, 2015

AGENDA ITEM: 13. Instream Flow and Natural Lake Level Appropriation
Recommendations in Water Divisions 1, 4, 5 and 6

Introduction

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 instream flow and natural lake level water rights in accordance with the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program ("ISF Rules"). An executive summary for each stream and lake recommendation and appendices of the supporting scientific data, which provides the technical basis for each appropriation, was mailed to the Board separately.

Staff Recommendation

Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an instream flow ("ISF") water right on each stream segment listed and a natural lake level ("NLL") water right for each lake 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 ISF and NLL water rights on the stream segments and lakes identified in the attached table. Staff has reviewed each proposed stream segment and lake to ensure that for each ISF and NLL 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 16 stream segments, and four natural lakes in Water Divisions 1, 4, 5 and 6 for which sufficient information has been compiled and analyses performed upon which the Board can base its intent to appropriate. These stream segments and lakes are located in Larimer, Delta, Gunnison, Garfield, Rio Blanco, and Routt Counties.

Technical Investigations

Staff's executive summary and technical analysis of each stream and lake are contained in the Instream Flow Recommendation Reports and form the basis for staff's recommendations. In addition to the reports, the scientific data and technical analyses performed by the recommending entity are



accessible on the Board's web site at: <http://cwcb.state.co.us/environment/instream-flow-program/Pages/2015ProposedISFAappropriations.aspx>

Natural Environment Studies

The Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW), the United States Forest Service, and the City of Fort Collins have conducted field surveys of the natural environment resources on these streams and lakes and have found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the BLM and CPW collected biologic and hydraulic data and performed R2CROSS modeling on all segments. The CWCB staff analyzed and/or reviewed all of the data and models used to support the recommendations, and worked with the recommending entities to prepare final 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 and lakes listed. To determine the amount of water physically available for the Board's instreamflow appropriations, staff analyzed available USGS gage records, available streamflow models, and/or utilized appropriate standard methods to develop a hydrograph of median daily and/or mean monthly flows for each stream flow recommendation. To determine water availability for the lakes, staff reviewed hydrology, analyzed historical aerial photos, and obtained information from people familiar with the proposed NLL to assess the long term persistence of the lakes. In addition, staff analyzed the water rights tabulation for each stream and lake and consulted with the Division Engineer's Office in the relevant water division to identify any potential water availability problems. Based upon its analyses, staff has determined that water is available for appropriation on each stream and lake to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of valid water rights.

Stakeholder Outreach

Staff provided public notice of the recommendations in both March and November of 2014 and contacted or met with the County Commissioners for each county where the stream segments are located. In addition, water commissioners and local land owners were contacted when possible to further discuss the recommendations.

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





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Instream Flow Tabulation

Water Division 1

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
13/1/A-001	Graves Creek	Lonetree Creek-Owl Creek	Larimer	Colorado - Wyoming border at lat 40 59 54N long 105 01 05W	confl unnamed trib at lat 40 58 12N long 104 59 33W	2.76	Carr West Round Butte	0.17 (1/1 - 12/31)	
13/1/A-003	Spottlewood Creek	Cache la Poudre	Larimer	a point located at lat 40 59 33N long 105 03 12W	a point located at lat 40 57 55N long 105 00 57W	3.53	Round Butte	0.1 (1/1 - 12/31)	

Totals for Water Division 1

Total # of Stream Miles = 6.29

Total # of Appropriations = 2

(Totals do not include donated/acquired water rights)

Instream Flow Tabulation - Water Division 4

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
15/4/A-001	Alkali Creek	Lower Gunnison	Delta	headwaters in the vicinity of lat 38 53 45N long 108 09 34W	confl Lone Starr Ditch hdgt at lat 38 50 08N long 108 09 20W	5.10	Indian Point Point Creek	0.3 (11/1 - 5/15) 2 (5/16 - 7/31) 1.5 (8/1 - 8/31) 0.8 (9/1 - 10/31)	
15/4/A-002	Hubbard Creek	North Fork Gunnison	Delta	US Forest Service Boundary at lat 38 57 23N long 107 31 45W	Deertrail Ditch hdgt at lat 38 56 03N long 107 31 06W	1.88	Bowie	8.3 (4/1 - 6/10) 408 (6/11 - 8/15) 1.8 (8/16 - 3/31)	
15/4/A-006	Schaefer Creek	North Fork Gunnison	Gunnison	headwaters in the vicinity of lat 38 51 12N long 107 15 17W	confl Grouse Spring Creek at lat 38 55 03N long 107 16 49W	5.92	Anthracite Range Marcellina Mountain Paonia Reservoir West Beckwith Mountain	1.7 (12/1 - 4/15) 4.6 (4/16 - 7/31) 2.9 (8/1 - 11/30)	
15/4/A-007	Terror Creek	North Fork Gunnison	Delta	confl East & West Terror Creeks at lat 38 56 54N long 107 34 29W	Terror Ditch hdgt at lat 38 55 36N long 107 34 24W	1.55	Bowie	1.5 (10/1 - 3/31) 4.8 (4/1 - 9/30)	
15/4/A-008	Terror Creek	North Fork Gunnison	Delta	Terror Ditch hdgt at lat 38 55 36N long 107 34 24W	Fire Mountain Canal at lat 38 54 23N long 107 34 02W	1.52	Bowie	4.2 (4/1 - 5/31)	

Totals for Water Division 4	Total # of Stream Miles =	15.97
	Total # of Appropriations =	5
<i>(Totals do not include donated/acquired water rights)</i>		

Instream Flow Tabulation - Water Division 5

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
15/5/A-001	Timber Springs Gulch	Eagle	Eagle	Spring Complex at lat 39 40 27N long 106 37 39W	BLM Property Boundary at lat 39 40 03N long 106 37 41W	0.47	Edwards Wolcott	1 (11/1 - 3/31) 1.3 (4/1 - 10/31)	

Totals for Water Division 5	Total # of Stream Miles =	0.47
	Total # of Appropriations =	1
<i>(Totals do not include donated/acquired water rights)</i>		

Instream Flow Tabulation - Water Division 6

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
15/6/A-001	Armstrong Creek	Upper Yampa	Routt	LT of ISF case # 06CW035 at lat 40 44 40N long 107 08 08W	confl Elkhead Creek at lat 40 44 43N long 107 08 12W	0.10	Quaker Mountain	1 (4/1 - 6/30) 0.5 (7/1 - 7/31) 0.22 (8/1 - 3/31)	
15/6/A-003	Brush Creek	Lower White	Rio Blanco Garfield	headwaters in the vicinity of lat 39 36 09N long 108 45 23W	confl East Douglas Creek at lat 39 39 16N long 108 42 26W	5.31	Calf Canyon Douglas Pass	0.5 (11/1 - 3/31) 0.65 (4/1 - 10/31)	
15/6/A-004 (increase)	East Douglas Creek	Lower White	Rio Blanco Garfield	confl Bear Park Creek at lat 39 38 13N long 108 41 43W	confl Brush Creek at lat 39 39 16N long 108 42 26W	1.56	Brushy Point	2.1 (5/1 - 7/15) 0.5 (7/16 - 10/15)	
15/6/A-005 (increase)	East Douglas Creek	Lower White	Rio Blanco	confl Brush Creek at lat 39 39 16N long 108 42 26W	confl Cathedral Creek at lat 39 46 59N long 108 38 35W	14.22	Brushy Point White Coyote Draw	0.5 (5/1 - 10/15)	
15/6/A-006	Elkhead Creek	Upper Yampa	Routt	LT of ISF Case # 06CW034 at lat 40 45 04N long 107 07 60W	confl First Creek at lat 40 44 02N long 107 10 01W	3.68	Bears Ears Peaks Quaker Mountain	7.6 (4/1 - 6/30) 4.1 (7/1 - 7/31) 1.7 (8/1 - 3/31)	
15/6/A-010 (increase)	Soldier Creek	Lower White	Rio Blanco	confl RF & MF Solider Creek at lat 39 42 57N long 108 34 31W	confl Cathedral Creek at lat 39 45 36N long 108 33 48W	3.67	Black Cabin Gulch Razorback Ridge	0.4 (4/1 - 9/30)	
13/6/A-005	Yellow Creek	Piceance Creek- Yellow Creek	Rio Blanco	confl Barcus Creek at lat 40 07 04N long 108 21 40W	confl Lambert Springs at lat 40 08 35N long 108 23 09W	3.66	Barcus Creek Barcus Creek SE Rough Gulch	1.5 (3/1 - 6/15) 0.6 (6/16 - 2/29)	
13/6/A-006	Yellow Creek	Piceance Creek- Yellow Creek	Rio Blanco	confl Lambert Springs at lat 40 08 35N long 108 23 09W	confl White River at lat 40 10 22N long 108 24 11W	3.45	Rough Gulch	2.3 (3/1 - 6/15) 1.1 (6/16 - 2/29)	

Totals for Water Division 6

Total # of Stream Miles = 35.65

Total # of Appropriations = 8

(Totals do not include donated/acquired water rights)

Instream Flow Tabulation - Water Division 6

Case Number	Stream	Watershed	County	Upper Terminus	Lower Terminus	Length (miles)	USGS QUADS	Amount(dates) (CFS)	Approp Date
Report Totals						Total # of Stream Miles =	58.38		
						Total # of Appropriations =	16		
						(Totals do not include donated/acquired water rights)			



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Natural Lake Tabulation

Water Division 1

Case Number	Name of Lake	Watershed	County	Lake Location	Surface Acres	Elevation (ft)	Volume (AF)	Approp Date	USGS Map Name
15/1/A-001	Spottlewood Lake 1	Cache la Poudre	Larimer	lat 40 52 16N long 104 59 56W	0.053	5,635	0.19		Carr SW
15/1/A-002	Spottlewood Lake 2	Cache la Poudre	Larimer	lat 40 52 28N long 104 59 53W	0.045	5,646	0.12		Carr SW
15/1/A-003	Spottlewood Lake 3	Cache la Poudre	Larimer	lat 40 52 27N long 104 59 50W	0.192	5,648	0.17		Carr SW
15/1/A-004	Spottlewood Lake 4	Cache la Poudre	Larimer	lat 40 52 31N long 104 59 37W	0.089	6,659	0.16		Carr West