

March 26, 2015

Colorado Water Conservation Board  
1311 Sherman St., Room 718  
Denver CO 80203

RECEIVED

MAR 30 2015

Colorado Water  
Conservation Board

Re: Instream Flow Notice

Dear CWCB,

This letter stands as opposition, strong opposition, to the proposed action Instream Flow changes/decrees by the Colorado Water Conservation Board.

The proposed action of a 2015 filing on instream water flows, largely in conflict with Terror Ditch and Reservoir Company (TDRC) fully decreed water right creates no proactive benefits. Rather it infringes on future proposed, legal changes in water administration of existing priority rights. The water coming through the Bruce Park / Terror Reservoir and waters of West Terror Creek are fully decreed and may rise or fall at the total discretion of The Board of TDRC with input from the local Water Commissioner.

Other than during flood water season, the water in the Terror Creek drainage is fully decreed. It would seem the Division is merely trying to piggyback and share in this existing priority, making it less pure, and to possibly prevent any future filings, changes or administration of said priority.

More ominously, it foreshadows the day when an outside agency might have a say in the actual administration of said waters. The natural variation in water quantity and availability, now exacerbated by US Government acknowledged climate change, renders and calendar-based administrative requirements at best futile and at worst destructive to our water right directly, and, to that usage to which water is placed.

Furthermore it has come to light at a September 10, 2014 meeting attended by the TDRC Board, Local Water Commissioner (Steve Tuck), and representatives, Jeff Baessler (State of Colorado Colorado Water Conservation Board), Roy Smith (BLM CO HQ), Jedd Sondergard (Hydrologist, BLM Montrose) that the real ultimate goal is not the survival of local fish, but rather their innate happiness.

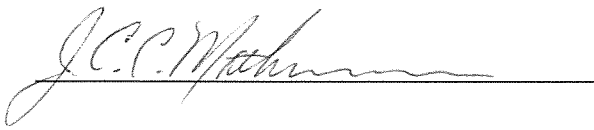
We know this because it was pointed out by TDRC Board that there is usually a substantial trickle of water that escapes the main diversion. It was then stated by the Hydrologist (Jedd Sondergard ) that although that may be enough to ensure fish survival it might not necessarily ensure their (the fish) happiness.

This is not the stated purpose of this entire proposal., The stated purpose of the proposal is unsupported and perhaps conceals the intent to pursue later takings to ensure said happiness of these local fish. This would seem to be beyond any *Mandate* the Division has received, or expressed.

Terror Ditch and Reservoir Company hereby gives Notice to Contest and requests a hearing with respect to the following proposed Instream Flow Rights Issued as part of the January 30, 2015 notice: West Terror Creek

TDRC Board

John Matthewson President

A handwritten signature in cursive script, appearing to read "J.C. Matthewson", written over a horizontal line.

Richard Rudin VP

A handwritten signature in cursive script, appearing to read "Richard Rudin", written over a horizontal line.