

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER
DIVISION 4: SCHAEFER CREEK (Headwaters to confluence Grouse Spring Creek)

NOTICE OF PARTY STATUS

High Country Conservation Advocates, and Western Resource Advocates (collectively, the “Conservation Groups”), by and through the undersigned counsel, submit the following Notice of Party Status regarding the Staff ISF Recommendation on Schaefer Creek, Water Division No. 4. *See* Notice of Contested 2015 ISF Appropriations (April 9, 2015) (“ISF Appropriation”). This Notice of Party Status is submitted in a timely manner pursuant to Rule 51 of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2 (“ISF Rules”).

1. Identity of Parties:

High Country Conservation Advocates
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Crested Butte, CO 81224

Western Resource Advocates
2260 Baseline Road, Suite 200
Boulder, CO 80302

Address for Service of Pleadings:

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2. Identification of recommendations at issue:

SCHAEFER CREEK (Headwaters to confluence Grouse Spring Creek)
CWCID: 15/4/A-006. Posted in Notice of Contested 2015 ISF
Appropriations (April 9, 2015).

3. Statement of Reasons:

- a. **High Country Conservation Advocates'** ("HCCA") mission is to protect the health and natural beauty of the land, rivers, and wildlife in and around Gunnison County. Many of our members live and work in the Gunnison Basin. Our rivers and public lands provide HCCA members with recreational opportunities and a quality of life that is preserved by the wildlife, habitat, water resources, and access provided by these resources. Locals and visitors alike fly-fish for cutthroat in our high mountain streams and value the diversity of our healthy riparian ecosystems. Therefore, HCCA will add value to these proceedings.
- b. **Western Resource Advocates** is a non-profit conservation organization dedicated to protecting the Interior West's land, air, and water. Western Resource Advocates is a long-time member of the Upper Colorado River Endangered Fish Recovery Program—a large, multi-stakeholder effort to recover four endangered fish species in the Upper Colorado River Basin. The Program has made substantial progress towards recovery of these species, including re-operation of Flaming Gorge Dam on the Green River, Coordinated Reservoir Operations for the 15-mile reach on the Colorado River, and the growing emphasis on control of predatory, non-native fishes on the Yampa River. Western Resource Advocates supports efforts to keep other native fish species from becoming listed. Western Resource Advocates has a long history of work to protect river flows for the natural environment and thus will add value to these proceedings.

4. Contested facts, to the extent known at this time:

- a. Whether the ISF Appropriation complies with C.R.S. § 37-92-102(3)(c) and ISF Rule 5i:
 - i. Whether there is a natural environment that can be preserved to a reasonable degree by this ISF Appropriation, if granted.
 - ii. Whether the natural environment will be preserved to a reasonable degree by the water available for this ISF Appropriation.
 - iii. Whether such environment can exist without material injury to water rights.

- b. Whether this ISF Appropriation is consistent with present uses or exchanges of water being made by other water users pursuant to appropriation practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree, within the meaning of C.R.S. § 37-92-102(3)(b).
 - c. Whether this ISF Appropriation is consistent with the beneficial use of the water of the people of the State of Colorado under law and interstate compact, within the meaning of C.R.S. § 37-92-102(3).
 - d. Any contested fact(s) raised by other Parties to this contested ISF Appropriation.
 - e. The Conservation Groups reserve the right to identify other contested facts prior to or during a hearing on this contested ISF Appropriation.
5. Matters that should be decided, to the extent known at this time:
- a. There is a natural environment that can be preserved to a reasonable degree by this ISF Appropriation, if granted.
 - b. The natural environment will be preserved to a reasonable degree by the water available for this ISF Appropriation.
 - c. Such environment can exist without material injury to water rights.
 - d. This ISF Appropriation is consistent with present uses or exchanges of water being made by other water users pursuant to appropriation practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree.
 - e. This ISF Appropriation is consistent with this Board's authority to "correlate the activities of mankind with some reasonable preservation of the natural environment" under C.R.S. § 37-92-102(3).
 - f. This ISF Appropriation will maintain minimum stream flows necessary to preserve the natural environment to a reasonable degree.
 - g. This ISF Appropriation is consistent with the beneficial use of the water of the people of the State of Colorado under law and interstate compact.
 - h. Any contested matter(s) raised by other Parties to this contested ISF Appropriation.

- i. The Conservation Groups reserve the right to identify other matters that should be decided prior to or during a hearing on this contested ISF Appropriation.
6. Data upon which the Conservation Groups will rely, to the extent known at this time:
- a. State and federal agency reports, memos, and letters pertaining to the subject ISF recommendations, including all attachments and appendices. Other state and federal agency data may include, but is not limited to, stream gage records.
 - b. Technical evidence and witnesses provided by the Conservation Groups and other Parties to this contested ISF Appropriation.
 - c. All documents, data, and testimony offered by other Parties to this contested ISF Appropriation.
 - d. The Conservation Groups reserve the right to identify and present additional data, documents, and testimony upon which it may rely as new information becomes available.

Wherefore, The Conservation Groups hereby submit this timely Notice of Party Status in this contested ISF Appropriation hearing under Rule 51 of the ISF Rules.

Respectfully submitted this 30th day of April 2015.



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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2015, the above **Notice of Party Status** upon all parties herein by email as follows:

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