

BEFORE THE COLORADO WATER CONSERVATION BOARD

STATE OF COLORADO

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER
DIVISION 4: DOLORES RIVER (confluence San Miguel River to confluence West
Creek)

NOTICE OF PARTY STATUS

Conservation Colorado, San Juan Citizens Alliance, 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 the Dolores River, 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:

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Denver, CO 80202

San Juan Citizens Alliance
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Western Resource Advocates
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2. Identification of recommendations at issue:

DOLORES RIVER (confluence San Miguel River to confluence West Creek) CWCB ID: 14/4/A-006. Posted in Notice of Contested 2015 ISF Appropriations (April 9, 2015).

3. Statement of Reasons:

- a. **Conservation Colorado** is a Colorado-based environmental advocacy organization with three field offices in western Colorado and a main office in Denver, Colorado. Conservation Colorado has more than 8,000 individual members and over 100 partner groups. Conservation Colorado campaigns engage citizens in the protection of Colorado's wild places, healthy rivers, wildlife and quality of life. Conservation Colorado is an active participant in natural resource management in Colorado, with a demonstrated interest in development of Colorado's water resources. Conservation Colorado staff and members visit the Dolores River and neighboring lands for recreation and are concerned with protecting fish, wildlife, scenery, and other values. Conservation Colorado staff has also invested considerable time and resources to promote sound management of public resources in the Dolores River basin in southwestern Colorado and thus will add value to these proceedings.
- b. **San Juan Citizens Alliance** advocates for clean air, pure water, and healthy lands – the foundations of resilient communities, ecosystems and economies in the San Juan Basin. The Alliance is the lead organization in the San Juan Basin working to protect free-flowing clean rivers. The Alliance works at the scale of watersheds, understanding that one cannot separate the health of the waterways from the lands that feed them. In 2004, the Alliance launched the Dolores River Dialogue in partnership with the Dolores Water Conservancy District to discuss flow management below McPhee Dam to benefit native fish, recreation, and the natural environment. Working with diverse stakeholders, the Alliance is now developing and pursuing National Conservation Area and Wilderness designations for areas adjacent to and including the Dolores River between McPhee Reservoir and the town of Bedrock. The Alliance is also actively seeking improvements to the ecological health of the river through changes to flow and fishery management. Therefore, the Alliance will add value to these proceedings.
- c. **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. Expert analysis of relevant hydrological data.
 - c. Expert analysis of relevant biological data. This analysis will consider the habitat needs of the special status fish in the subject reach of the Dolores River.
 - d. All documents, data, and testimony offered by other Parties to this contested ISF Appropriation.

- e. 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 5/ 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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