

**COLORADO****Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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

DATE: May 21, 2015

AGENDA ITEM: 16. 2014 and 2015 Contested Instream Flow Appropriations

Background

The following tables outline the Board's instream flow appropriations from January 2014 and January 2015 contested by the identified parties. During the new appropriation process, staff held multiple meetings on these appropriations with stakeholders in an attempt to identify and address concerns. In addition, staff has contacted, or is in the process of contacting the contested parties and their attorneys to further define their issues and explore whether any mutually acceptable terms and conditions can be reached on each stream in order to alleviate the need for a hearing.

January 2014 Appropriation

Stream	County	Length (mi)	Amount (cfs)	Parties
Dolores River (Confluence San Miguel River to confluence West Creek)	Mesa, Montrose	34.21	900 (4/15-6/14)	<u>Notice to Contest</u> <ul style="list-style-type: none"> Colorado River Water Conservation District John S. Hendricks & Western Sky Investments, LLC. Southwestern Water Conservation District <u>Party Status</u> <ul style="list-style-type: none"> Conservation Colorado Education Fund San Juan Citizens Alliance Western Resource Advocates Sheep Mountain Alliance Dolores Water Conservancy District <u>Hearing Participant Status</u> <ul style="list-style-type: none"> San Miguel County
			400 (6/15-7/15)	
			200 (7/16-8/14)	
			100 (8/15-3/15)	
			200 (3/16-4/14)	



January 2015 Appropriations

Stream	County	Length (mi)	Amount (cfs)	Parties
Hubbard Creek (U.S. Forest Service Property Boundary to Deertail Ditch headgate)	Delta	1.88	8.3 (4/1-6/10) 2.6 (6/11-8/15) 1.8 (8/16-3/31)	<u>Notice to Contest</u> <ul style="list-style-type: none"> Bowie Resources, LLC Ragged Mountain Water Users Association North Fork Water Conservancy District Overland Ditch and Reservoir Company
Terror Creek (Confluence of East and West Terror Creeks to Terror Ditch headgate)	Delta	1.55	4.8 (4/1-9/30) 1.5 (10/1-3/31)	<u>Notice to Contest</u> <ul style="list-style-type: none"> Bowie Resources, LLC Ragged Mountain Water Users Association North Fork Water Conservancy District Overland Ditch and Reservoir Company Terror Ditch and Reservoir Co.
Terror Creek (Terror Ditch headgate to Fire Mountain Canal)		1.52	4.2 (4/1-5/31)	
Schaefer Creek (Headwaters to confluence Grouse Spring Creek)	Gunnison	5.92	1.7 (12/1-4/15) 4.6 (4/16-7/31) 2.9 (8/1-11/30)	<u>Notice to Contest</u> <ul style="list-style-type: none"> Ragged Mountain Water Users Association North Fork Water Conservancy District Overland Ditch and Reservoir Company <u>Party Status</u> <ul style="list-style-type: none"> High Country Conservation Advocates Western Resource Advocates
Yellow Creek (Confluence Barcus Creek to confluence Lambert Springs)	Rio Blanco	3.66	1.5 (3/1-6/15) 0.6 (6/16-2/29)	<u>Notice to Contest</u> <ul style="list-style-type: none"> Exxon Mobil <u>Party Status</u> <ul style="list-style-type: none"> Conservation Colorado Education Fund Western Resource Advocates Mountain Water, LLC TerraCarta Energy Resources, LLC <u>Hearing Participant Status</u> <ul style="list-style-type: none"> Encana Oil & Gas (USA) Inc.
Yellow Creek (Confluence Lambert Springs to confluence White River)		3.45	2.3 (3.1-6/15) 1.1 (6/16-2/29)	

Staff recommendation

Staff recommends that the Board designate a Hearing Officer for each contested instream flow appropriation. Staff further recommends that the Board set the hearing date for all appropriations, except the two segments of Yellow Creek, to be held in conjunction with the Board's September 2015 meeting, which will be held in Montrose Colorado. For the Yellow Creek appropriation, staff recommends that the Board set the hearing date to be held in conjunction with the Board's November 18-19, 2015 meeting (location to be determined).

