



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

DATE: May 21, 2015

AGENDA ITEM: 15. Uncontested 2015 Instream Flow and Natural Lake Level Appropriations

Background

On January 26, 2015, the CWCB formed its intent to appropriate ISF water rights on 10 stream segments and 4 natural lakes in Water Divisions 1, 4, 5 and 6. The Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW) and the City of Fort Collins recommended these streams and lakes for inclusion into the CWCB's Instream Flow and Natural Lake Level Program. Pursuant to ISF Rule 5h., these uncontested stream segments and lakes, described on the attached tables are being recommended to the Board for Final Action.

Technical Investigations

The Board was provided detailed information regarding all field data, studies and analyses for each stream segment and natural lake at its January 26, 2015 Board meeting.

Natural Environment Studies

The recommending entities conducted field surveys on these streams and lakes and found natural environments that can be preserved to a reasonable degree. To quantify the resources and to evaluate instream flow and natural lake level requirements, the recommenders collected biologic and hydraulic data, and the CWCB staff reviewed and analyzed this data. Based on the results of these reviews and analyses, the CWCB staff prepared recommendations for the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams and lakes.

Water Availability Studies

The CWCB staff has conducted evaluations of water availability for these streams and lakes. To determine the amount of water physically available for the Board's stream appropriations, staff analyzed available USGS gage records, available streamflow models, and utilized appropriate standard methods to develop a hydrograph of mean daily flows for each recommendation. Staff also relied upon the flow measurements made as part of the field survey, to further verify the amount of



water physically available in these streams. To determine the amount of water physically available for the Board's lake appropriations, standard survey methods were used to determine each lake's surface water elevation, surface area and volume.

In addition, staff analyzed the water rights tabulation and consulted with the Division Engineer's Office in each water division to identify any potential water availability problems. Based upon its analysis, 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 existing water rights.

Relevant Instream Flow Rules

5f. Date of Appropriation. The Board may select an appropriation date that may be no earlier than the date the Board declares its intent to appropriate. The Board may declare its intent to appropriate when it concludes that it has received sufficient information that reasonably supports the findings required in Rule 5i.

5h. Final Board Action on an ISF Recommendation. The Board may take final action on any uncontested Staff Recommendation(s) at the May Board meeting or any Board meeting thereafter. If a Notice to Contest has been filed, the Board shall proceed under Rule 5j-5q.

5i. Required Findings. Before initiating a water right filing to confirm its appropriation, the Board must make the following determinations:

- (1) Natural Environment. That there is a natural environment that can be preserved to a reasonable degree with the Board's water right if granted.
- (2) Water Availability. That the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made.
- (3) Material Injury. That such environment can exist without material injury to water rights.

These determinations shall be subject to judicial review in the water court application and decree proceedings initiated by the Board, based on the Board's administrative record and utilizing the criteria of section 24-4-106(6) and (7), C.R.S. (2014).

Staff recommendation

Staff requests that the Board make the following determinations and take the following actions on each of the appropriations identified in the attached tables, based on the information contained in this memo as well as the information presented by staff both in writing and orally at the January 26, 2015 Board meeting.

- (1) Pursuant to section 37-92-102(3), C.R.S. (2014) and based upon: (1) the recommendations of CPW, City of Fort Collins and the BLM addressing biological needs, flow rates/volume, reaches and time periods, and (2) a review of the data and other information presented by Staff in this memo and orally, determine for each instream flow and natural lake level appropriation in the amounts identified in the attached tables that:



- (a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
- (b) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
- (c) Such natural environment can exist without material injury to water rights.

(2) Pursuant to ISF Rule 5f., establish January 26, 2015 as the appropriation date for these water rights.

(3) Direct staff to request the Attorney General's Office to file the necessary water rights applications.

Attachments





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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)	1/26/2015
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)	1/26/2015

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)	1/26/2015

Totals for Water Division 4	Total # of Stream Miles =	5.1
	Total # of Appropriations =	1
	<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)	1/26/2015

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)	1/26/2015
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)	1/26/2015
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)	1/26/2015
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)	1/26/2015
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)	1/26/2015
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)	1/26/2015

Totals for Water Division 6	Total # of Stream Miles =	28.54
	Total # of Appropriations =	6
<i>(Totals do not include donated/acquired water rights)</i>		

Report Totals	Total # of Stream Miles =	40.4
	Total # of Appropriations =	10
<i>(Totals do not include donated/acquired water rights)</i>		



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Natural Lake Level Tabulation

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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	1/26/2015	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	1/26/2015	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	1/26/2015	Carr SW
15/1/A-004	Spottlewood Lake 4	Cache la Poudre	Larimer	lat 40 52 31N long 104 59 37W	0.089	5,659	0.16	1/26/2015	Carr West

Number of lakes with filings in Water Division 1: 4