



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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

DATE: July 15-16, 2015 Board Meeting

AGENDA ITEM: 21b. Dolores River Instream Flow Appropriation - Proposed Stipulations -
John S. Hendricks and Western Sky Investments, LLC

Background:

On January 28, 2014, the Board declared its intent to appropriate an instream flow (ISF) water right on the Dolores River from the confluence of the San Miguel River to West Creek (see attached table). On the same date, the Board also modified the ISF Rule 5 process for this appropriation, establishing January 31, 2015 as the deadline for filing Notices to Contest. On January 26, 2015, the Board moved that deadline to March 31, 2015. In March 2015, the Colorado River Water Conservation District, Southwestern Water Conservation District, and John S. Hendricks and Western Sky Investments, LLC filed Notices to Contest the Dolores River ISF appropriation. Notices of Party status were filed by Conservation Colorado Education Fund, San Juan Citizens Alliance, Western Resource Advocates, the Dolores Water Conservancy District (DWCD) and Sheep Mountain Alliance. The San Miguel County Board of County Commissioners filed a Notice of Hearing Participant Status.

Discussion:

Staff and the Attorney General's Office have met with representatives of John S. Hendricks and Western Sky Investments, LLC in an attempt to address issues and concerns regarding the Dolores River ISF appropriation. As of the date of this memo, staff has no proposed terms and conditions to present to the Board. However, it is likely that staff will present proposed terms and conditions at this Board meeting that would enable John S. Hendricks and Western Sky Investments, LLC to enter into a stipulation with staff prior to the pending Dolores River ISF hearing, which is the reason staff put this item on the agenda.

Staff recommendation:

If staff presents proposed terms and conditions to the Board at the Board meeting, staff will recommend that the Board approve those terms and conditions. In addition, staff will recommend that the terms and conditions be included in a stipulation that will be attached to the Board's water court decree for ISF water rights on the Dolores River.

