



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Linda J. Bassi, Stream and Lake Protection Section  
Ted Kowalski and Michelle Garrison, Interstate, Federal & Water Information Section

**DATE:** November 4, 2015

**SUBJECT:** Agenda Item 21, Ruedi Reservoir Lease Report

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### Background

After receiving Board approval at the May 2015 meeting, CWCB staff negotiated a short-term lease with the Ute Water Conservancy District ("Ute Water") to use a portion of the water that Ute Water owns in Ruedi Reservoir ("Ruedi water") for instream flow ("ISF") use in the 15-Mile Reach of the Colorado River. The CWCB sought the leased water to supplement existing ISF water rights and preserve/improve the natural environment of the four endangered fish species present in the 15-Mile Reach of the Colorado River. The lease allowed the CWCB to utilize 6,000 AF of Ruedi water, with a potential increase to 12,000 AF, at a price of \$7.20 per acre-foot. The lease was finalized in late August and releases from Ruedi Reservoir began in early September.

The entire 6,000 AF was released from Ruedi Reservoir in September. Total releases from Ruedi were held below the threshold of 300 cfs to address concerns regarding the power plant and downstream fishery on the Fryingpan River. When no administrative calls were being administered, total releases were set to approximately 275 cfs. Additional releases were required during administrative calls, resulting in releases approaching 300 cfs during the call periods.

In late September, Ute Water approved an additional 3,500 AF to be made available to the CWCB under the lease. After the USFWS exhausted its final dedicated fish pool in Ruedi in early October, releases under the Ute lease resumed. Due to the length of administrative calls and the 300 cfs release ceiling, only 3,000 AF could be released under the lease in early to mid-October. In mid-October, Ruedi Reservoir releases were decreased to standard winter-time flow rates ahead of the brown trout spawn to prevent stranding of the redds. Thus, the Board expended approximately \$65,000 for the lease of this water.

CWCB staff is pleased with the results of the lease. 9,000 AF was released to help achieve the flow targets in the 15-Mile Reach. This not only resulted in higher flows in the 15-Mile Reach, but provided more operational flexibility for the USFWS and operators of other reservoirs that release water in late summer to benefit the endangered fish habitat. The released water was allowed to pass through Orchard Mesa Irrigation District's power plant on its way to the 15-Mile Reach, providing some additional local benefits. The Recovery Program, Colorado Water Trust, Western Resource Advocates, The Nature Conservancy and others expressed appreciation to the CWCB and Ute Water for providing additional water to the 15-Mile Reach in 2015.

Total releases from Ruedi Reservoir remained consistently below the 300 cfs threshold. Some stakeholders in the Fryingpan basin indicated a release of 250 cfs would be preferable, but they were



generally understanding and accepting of the 2015 releases. In 2015, a 250 cfs ceiling would have severely limited the ability to release water under the lease in September and October. A lower release rate might be possible for at least some time period in some future year, if leasing were to occur again and hydrologic conditions allowed releases to be spread more evenly across the July through October timeframe.

The lease expires April 30, 2016, with an option to renew. Some interest has been expressed in renewal of this lease. Other entities that have acquired Ruedi Reservoir water may also be interested in a similar lease with the CWCB in the future. Fryingpan basin stakeholders expressed concern about future large leases of water from Ruedi for this purpose and how that could result in local impacts that vary greatly from those that would occur if the Ruedi contract water were used as originally envisioned. There is more than \$435,000 left in the Species Conservation Trust Fund account for leasing of water for instream flow purposes. Staff agreed to meet with the stakeholders before seeking Board approval to renew the lease with Ute Water or initiating conversations with any other possible lessors of water from Ruedi Reservoir.

### **Staff Recommendation**

The Staff recommends that the Board direct Staff to conduct meetings with the stakeholders, and report the results for future Board consideration of a renewal of the lease with Ute Water, and possibly other entities that have acquired Ruedi Reservoir water that have an interest in leasing water to the CWCB.