



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Ted Kowalski, Chief, Interstate, Federal & Water Information Section
Suzanne Sellers, Interstate, Federal & Water Information Section

DATE: March 16-17, 2016 Board Meeting

AGENDA ITEM: **23. Intent to Appropriate Storage Right under Bear Creek Reservoir Reallocation**

Background:

The Bear Creek Dam and Reservoir Project (aka "Bear Creek Lake") was completed in 1977 and is located on Bear Creek at its confluence with Turkey Creek, approximately 10 miles southwest of Denver, Colorado in Jefferson County. The reservoir was authorized for the purposes of flood control, recreation, municipal, industrial and fish and wildlife enhancement with a majority of the reservoir being used for flood control. The project's active capacity is 57,678 AF [at the spillway crest] and is currently operated at a maximum priority storage volume of 2,000 AF. The CWCB currently holds existing rights for Bear Creek Lake decreed under case Nos. 79CW306 (1,989 acre-ft) and 84CW167 (2,000 acre-ft).

Staff recommendation: Staff recommends that, pursuant to 37-60-106(1) and 37-92-103(3)(a) C.R.S. (2015), the Board declare its intent to appropriate a new storage water right for Bear Creek Reservoir.

Discussion:

The U.S. Army Corps of Engineers ("the Corps") recently conducted a Reconnaissance Study [a Section 905 (b) (WRDA 86) Analysis] of Bear Creek Reservoir and determined that there is a potential for an additional 20,000 AF to be stored in Bear Creek Reservoir while maintaining the dam's flood control purpose. In May of 2015, the Corps approached the CWCB with the completed Reconnaissance Study to determine the CWCB's interest as the local sponsor of a reallocation feasibility study.

At its November 2015 meeting, the CWCB voted to request that the General Assembly authorize up to \$2,500,000 from the Severance Tax Perpetual Base Fund to be appropriated to the Department of Natural Resources for allocation to the CWCB for the Bear Creek Reallocation of Storage Study.

In anticipation that the feasibility study will confirm that an additional 20,000 AF should be stored in Bear Creek Reservoir, the Staff recommends that the Board declare its intent to appropriate a storage right for Bear Creek Reservoir as described below:



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Name: Bear Creek Lake Enlargement
Source: Bear Creek and Turkey Creek, tributaries to the South Platte River
Water Division: 1
Water District: 9
Water Shed: Bear Creek
County: Jefferson
Appropriation Date: March 17, 2016
Amount of water claimed: 20,000 acre-feet, conditional, with the right to refill

Proposed Types of Use (at a minimum): flood control, recreation, municipal, industrial, irrigation, domestic, and fish and wildlife enhancement, including instream reaches, with the right to exchange, use and reuse to extinction. To the extent permissible under the law, additional uses may also include wetlands, reclamation, restoration, revegetation, dust suppression, evaporation, stock watering, environmental mitigation, remediation, non-consumptive maintenance and enhancement of water quality, recharge, substitution, replacement, and augmentation.

Proposed Place of Use: within the South Platte Basin: 1) place of use or service area of future contract water users; and 2) location of future instream reaches.