



November 15, 2012

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Mr. Alan Martellaro  
Water Division 5, Division Engineer  
Colorado Division of Water Resources  
P.O. Box 396  
Glenwood Springs, CO 81602

Re: End of Year Summary, Bunte Highline Ditch Temporary Loan,  
Water Division 5, Water District 51

Dear Alan:

On July 26, 2012, the Division of Water Resources (DWR) approved a Temporary Loan of the Bunte Highline Ditch water right to the Colorado Water Conservation Board (CWCB) for Instream Flows under Section 37-83-105, C.R.S. Pursuant to the terms of DWR's approval, the Colorado Water Trust (CWT), acting as agent for the CWCB, hereby submits final records of water used for instream flows under the above referenced Temporary Loan.

The Bunte Highline Ditch lease was implemented on August 9, 2012. With the exception of about 6 days later in the season, the leased water was used to supplement instream flows in the Colorado River through October 26, 2012. Over the term of the 2012 lease, CWT staff conducted several field inspections and was in frequent communication with the Water Commissioner and your office to ensure that lands were dried up and the lease was being appropriately implemented and monitored. On August 21, 2012, CWT provided a proposed monitoring plan (attached) and accounting form to Neal Misbach, Water Commissioner for Water District 51, for his comment and review. In addition, a meeting was held with Judy Sappington at the Division 5 office in Glenwood Springs on August 23, 2012 in order to discuss and verify the monitoring needs and accounting for the approved lease from an administrative perspective. Please note the attached monitoring plan, map of irrigated land dried up under the lease and verifying affidavit, and accounting forms for the months of August, September, and October of 2012.

Summary

On June 22, 2012, Scott Hummer (CWT), Lyle Horn (CWT on-site water manager), Neal Misbach (DWR), and Tom Williamsen (consultant for the water right owner) conducted a field inspection of the Bunte Highline Ditch and Willow Creek. The field inspection was conducted to determine the viability of using the Bunte Highline Ditch

water right and its associated infrastructure for instream flow protection purposes under the approved lease. Mr. Misbach made suggestions regarding how instream flows might be calculated. Water was observed in the recharge pond, and the parties discussed the type of infrastructure needed on the ground to operate and account for the proposed recharge facility required by DWR for the lease approval.

On July 10, 2012, Scott Hummer met with Lyle Horn regarding construction of the infrastructure for the recharge requirements. A turn out from the Bunte Highline Ditch was cut into the ditch bank and a headgate was installed to control the diversion of water from the ditch into the existing on-site recharge pond. Water was again observed in the recharge pond. An 18-inch Parshall Measuring Flume was installed below the turn out headgate for the purpose of measuring the amount of water diverted for storage in the recharge pond. Also, it was confirmed that irrigation of lands irrigated under the Bunte Highline Ditch would cease per implementation of the approved lease. An affidavit confirming dry up is attached.

The CWCB holds decrees for four instream flow water right on the Colorado River that benefit from this lease. The CWCB ISF water rights include:

*Case No. 5-90CW300 Colorado River (Granby Res to Fraser R);  
40 cfs (5/1-8/31); 20 cfs (9/1-4/30)*

*Case No. 5-80CW447 Colorado River (Windy Gap to Williams Fk);  
90 cfs*

*Case No. 5-80CW446 Colorado River (Williams Fk to Troublesome Cr);  
135 cfs*

*Case No. 5-80CW448 Colorado River (Troublesome Cr to Blue River);  
150 cfs*

On August 8, 2012, CWT staff confirmed that streamflow, as measured at the USGS gage near Granby, was less than the amount decreed to the instream flow water right in Case No. 5-90CW300, and initiated this lease. Flows at this location continued to be less than the instream flow water right through the month of August. On September 1<sup>st</sup>, the amount of water decreed to the upper Colorado River instream flow segment dropped to 20 cfs, and CWT staff confirmed that segment was no longer water short. However, the instream flow segment below Windy Gap was not being satisfied and CWCB placed an administrative call for water on August 28, 2012. The Bunte leased water was used to help satisfy instream flow needs in that lower instream flow segment during September and October.

Throughout the term of the lease, Lyle Horn, the on-site water manager, took daily readings at measuring devices, and CWT and Mr.



Horn communicated with Northern Colorado Water Conservancy District regarding releases of water from Willow Creek Reservoir. On September 5, 2012, Scott Hummer conducted a field check of the ongoing lease operations. The measuring flume for the Bunte Highline Ditch read a flow rate of 1.04 cfs, which represents only the amount of water diverted for the CWT lease. Mr. Horn's priority in the Bunte Highline was apparently not diverted due to beaver activity. Conditions were extremely dry, and Mr. Hummer observed no water being diverted from the Bunte Highline Ditch at the turn out headgate, and the recharge pond was not holding any stored water. Although the required recharge water was being diverted from Willow Creek into the Bunte Highline Ditch, most of the water was being lost to ditch seepage before reaching the turnout to the recharge pond.

On September 25, 2012, Scott Hummer, Brian Epstein and Neal Misbach met on site in order to measure Willow Creek and observe operation of lease. The measuring flume for the Bunte Highline Ditch read a flow rate of 6.02 cfs, which represents the amount of water diverted for the CWT lease plus water diverted by Lyle Horn under his Bunte Highline Ditch water right. Brian Epstein measured Willow Creek at a flow rate of 4.12 cfs. Again, as a result of ditch seepage, no water was being diverted at the turn out headgate from the Bunte Highline Ditch into the recharge pond, and the existing re-charge pond was not storing or holding any water.

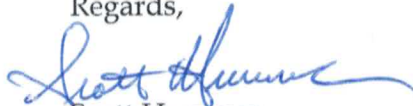
On October 25, 2012 Scott Hummer and Brian Epstein met on-site to measure Willow Creek and observe operation of the lease. The measuring flume for the Bunte Highline Ditch measured a flow rate of 6.72 cfs, which represents the amount of water diverted for the CWT lease plus water diverted by Lyle Horn under his Bunte Highline Ditch water right. Again, due to dry conditions, Mr. Hummer observed no water at the turn out headgate for recharge purposes and the existing re-charge pond was not holding any water. Brian Epstein measured Willow Creek at a flow rate of 6.3 CFS. After conducting the measurement of Willow Creek, Mr. Hummer and Mr. Epstein removed the check boards at the Bunte Highline Diversion and closed the Bunte Highline headgate. The Temporary Loan was terminated for the season, and CWCB and the Water Commissioner were notified on October 26, 2012.

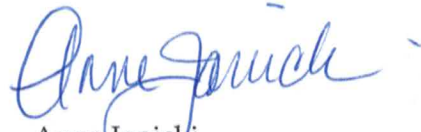
Pursuant to Section 37-83-105(2)(c), "all periods of time during which a loaned water right is used by the [CWCB] for instream flow purposes shall be excluded from any historic consumptive use analysis of the loaned water right required under any water court proceeding." We would ask that final records for the CWCB's interest in the Bunte Highline Ditch, Priorities 168, 459 and 491 notate the approved instream flow use and reference this statutory exclusion for the 2012

irrigation season. This exclusion does not apply to Mr. Horn's 5 cfs share in the Bunte Highline Ditch. Once the Bunte Highline ditch diversion records are finalized for the 2012 season, please provide copies to CWCB and CWT.

On behalf of CWCB and CWT, we greatly appreciate the cooperation your office has demonstrated in implementing the new Temporary Loan statute during this drought year. We will continue to keep your office advised of any need to exercise this loan in future years.

Regards,

  
Scott Hummer  
Projects Manager

  
Anne Janicki  
Transaction Specialist

Attachments

cc: Linda Bassi, CWCB  
Kevin Rein, DWR  
Neal Misbach, WC  
Aspen-Shorefox