



November 15, 2013

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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: 2013 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. Please find attached the map of irrigated land dried up under the lease and verifying affidavit, and accounting forms for the months of July, August, September, and October of 2013.

The CWCB holds decrees for four instream flow water rights 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*

The Bunte Highline Ditch lease with Aspen-Shorefox was renewed by CWCB and CWT for a second one-year term beginning on July 1, 2013 and extending through October 31, 2013. Pursuant to the terms of DWR's 2012 approval, CWCB provided notice to DWR on September 9, 2013, of its intent to implement the lease for a second year (attached). Subsequent to providing notice, CWT staff conducted a

field inspection of the infrastructure required for lease operation (ditch, headgates, recharge ponds), and confirmed the lands were removed from irrigation. CWT also made arrangements with Lyle Horn, a local rancher for ditch maintenance and day-to-day lease operations. However, flows in the upper Colorado River remained high throughout the summer due to increased rainfall and additional releases from Granby Reservoir for endangered fish (10825 water). The additional releases increased streamflow in the Colorado River by 50 cfs through most of the summer. CWT staff continued to monitor streamflow in anticipation of late season flow shortages once the 10825 release pool was expended, however, due to the increased precipitation, the flow shortages never materialized. Even though lands were removed from irrigation and the ISF lease was implemented for a second year, none of the Bunte Highline leased water was required to supplement the ISF rights and the Temporary Loan was terminated for the season on October 31, 2013. Under the terms of the leasing statute and the DWR approval, CWCB has one remaining year to exercise this temporary ISF lease.

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 lease interest in the Bunte Highline Ditch, Priorities 168, 459 and 491 notate the approved instream flow use and reference this statutory exclusion for the 2013 irrigation season. This exclusion does not apply to Mr. Horn's 5 cfs share in the Bunte Highline Ditch, priority 168.

On behalf of CWCB and CWT, we greatly appreciate the cooperation your office has provided with regard to the Temporary ISF Leases in Division 5. We will continue to keep your office advised of any need to exercise this loan in future years.

Regards,



Anne Janicki  
Water Transaction Specialist

Attachments

cc: Linda Bassi, CWCB  
Kevin Rein, DWR  
Neal Misbach, WC  
Susan Avre, WC  
Scott Miller, Atty  
Danielle VanArsdale, Atty