



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

**FROM:** Linda Bassi, Chief, Stream and Lake Protection Section

**DATE:** September 21-22, 2016 Board Meeting

**AGENDA ITEM:** 24.a Windy Gap Connectivity Channel - Board Declaration of Intent to Appropriate

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## Introduction

The CWCB, DNR, Colorado Parks and Wildlife, and the Municipal Subdistrict, Northern Colorado Water Conservancy District (“Subdistrict”) are working together to file an application for water rights for the Upper Colorado River Connectivity Channel (“Connectivity Channel”), a bypass channel approximately one-mile around the Windy Gap Reservoir that will: (1) provide a physical connection between existing instream flow water rights (“ISFs”); (2) protect and improve aquatic habitat in the Upper Colorado River above and below the Windy Gap Reservoir and in the Connectivity Channel; and (3) enhance wildlife by providing sediment transport and preventing diversions between the ISFs that could occur without the protection obtaining decreed water rights will provide. A vicinity map is attached to this memo.

**Staff recommendation:** Staff recommends that, pursuant to sections 37-60-106(1)(m) and (n), C.R.S. (2016), the Board declare its intent to appropriate water rights for the Upper Colorado River Connectivity Channel as described in this memo.

## Attachment

## Background

In 1985, the Subdistrict constructed the Windy Gap Project near Granby, Colorado, which includes Windy Gap Reservoir, a pumping plant, and a six-mile pipeline to Lake Granby. It removes water from the upper Colorado River and delivers it to Front Range municipalities via the Colorado-Big Thompson Project. The existing 445-acre-foot Windy Gap Reservoir acts as a forebay to pool the water before it enters the Windy Gap Pump Plant and is pumped to Lake Granby. The Windy Gap Watchable Wildlife Area is located at Windy Gap Reservoir on the Colorado River, just west of Granby, which has information kiosks, interpretive panels and viewing scopes along a handicapped-accessible nature trail.



The Windy Gap Firming Project (WGFP) would add Chimney Hollow Reservoir (a 90,000 acre-foot reservoir on the East Slope) to the current Windy Gap system to firm project yield for participating Front Range water providers. As part of the WGFP, Participants in the WGFP have agreed to collaboratively participate in a process to explore the possibility to construct a bypass flow channel around the Windy Gap Reservoir as part of efforts to alleviate the concerns of the environmental community and the western slope. This process is a component of the comprehensive enhancement package for the WGFP. The Fish and Wildlife Enhancement Plan prepared for the Colorado Wildlife Commission and approved by both the Commission and the Colorado Water Conservation Board pursuant to Colorado state law (CRS 37-60-122.2) required the Subdistrict to provide \$250,000 to fund a detailed study of a bypass around Windy Gap Reservoir. The study identified the potential improvements the Connectivity Channel would provide to the aquatic and riparian environment as well as the potential benefits to aquatic resources. An agreement to jointly pursue funding for the Channel is incorporated as a condition of the Grand County 1041 permit for the Windy Gap Firming Project. In addition, the CWCB authorized \$2,000,000 in the 2013 Projects Bill (SB 13-181) and an additional \$200,000 in the 2016 Projects Bill (SB 16-174) to pay for a portion of the costs of planning, design and construction of the Channel.

The CWCB has three existing ISFs on the Fraser River and the Colorado River that will also be positively impacted by the claimed water rights. In 1990, the CWCB appropriated an ISF on the Fraser River in Case No. 5-90CW308 for 30 cfs (5/15-9/15) and 19 cfs (9/16-5/14) from the confluence with Crooked Creek to the confluence with the Colorado River. In 1990, the CWCB appropriated an ISF on the Colorado River in Case No. 5-80CW300 for 40 cfs (5/1-8/31) and 20 cfs (9/1-4/30) from the outlet of Granby Reservoir to the confluence with the Fraser River. In 1980, the CWCB appropriated an ISF on the Colorado River in Case No. 5-80CW447 for 90 cfs (1/1-12/31) from the Windy Gap Diversion Point to the confluence with the Williams Fork River.

In the proposed application, the CWCB, CPW and DNR will use the water rights to establish and maintain connectivity between the two upstream ISF water rights on the Fraser River and Colorado River and the downstream ISF water right on the Colorado River in order to preserve the natural environment of those Rivers. See §§ 37-92-102(3); 37-60-106(1)(m)&(n), 24-33-111, 33-1-105, C.R.S. (2016). The CWCB, CPW and DNR will use the water for the benefit of the State for piscatorial, wildlife and environmental uses and to promote the conservation of the waters of the state of Colorado in order to secure the greatest utilization of such waters. See *id.* The CWCB, CPW and DNR are claiming water rights in the following amounts, which correspond to the ISFs listed above:

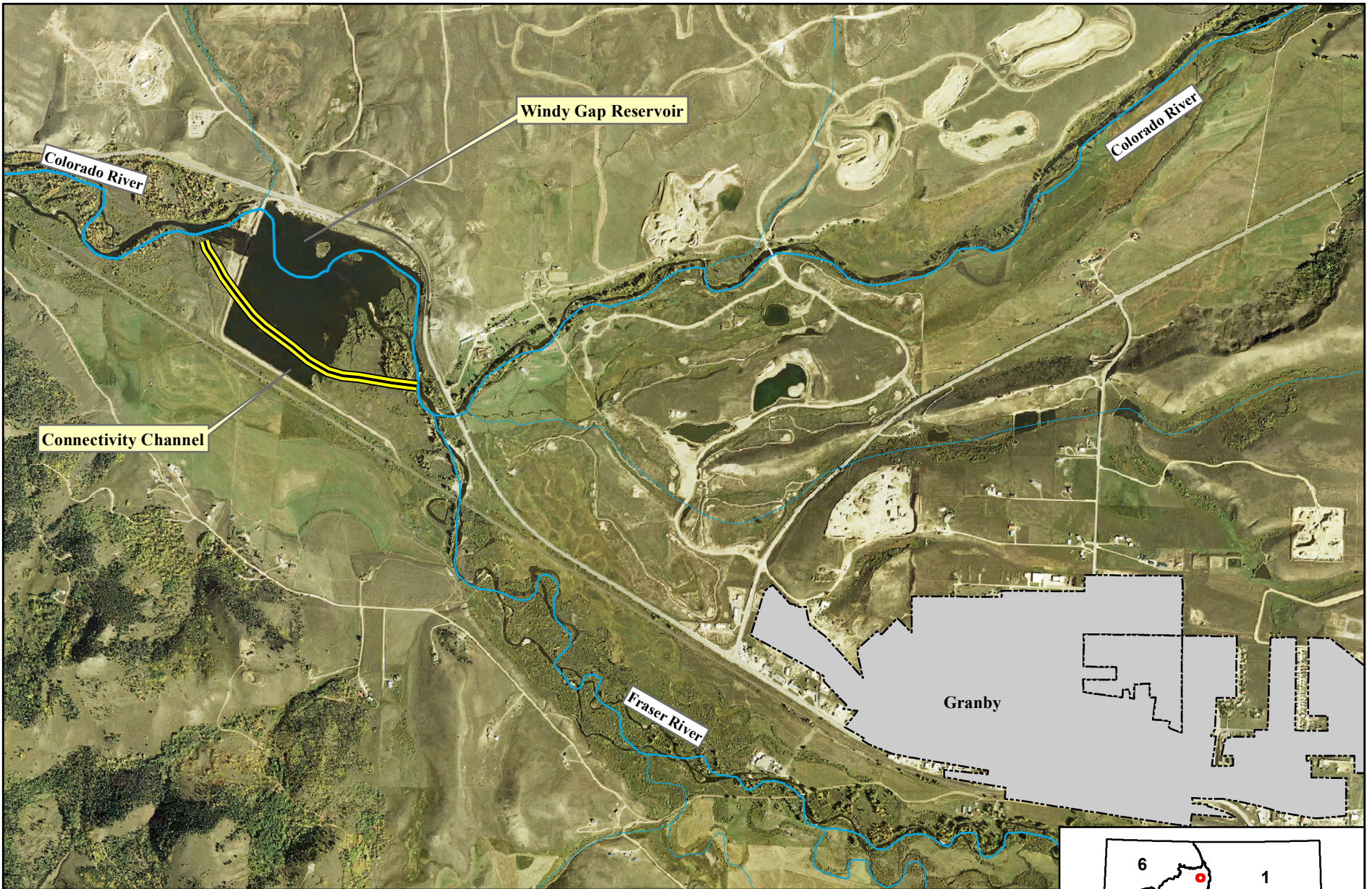
59 cfs (5/1-5/14)  
70 cfs (5/15-8/31)  
50 cfs (9/1-9/15)  
39 cfs (9/16-4/30)  
90 cfs (1/1 - 12/31)

The above claimed flow rates will provide connectivity between the instream flow reaches above and below Windy Gap Reservoir by preventing diversions from the Connectivity Channel, which diversions could negatively affect the natural environment within the instream flow reaches. The above claimed flow rates are based on combining the existing decreed time periods and flow rates for the two upstream instream flow water rights and including the existing decreed time periods and flow rates for the downstream instream flow water right.

The CWCB, CDNR and CPW are also claiming up to 4,000 cfs for use within the Connectivity Channel to protect, preserve, enhance, improve, and manage aquatic life and aquatic habitat in the Upper Colorado River above and below Windy Gap Reservoir and within the Channel, and to conserve

wildlife by providing sediment transportation and adequate flows to facilitate aquatic species migration through the Channel, and piscatorial and wildlife purposes. This is not an instream flow water right, but rather a water right for the Connectivity Channel that will protect flows in the Connectivity Channel from diversions out of the Connectivity Channel. The Subdistrict is a co-applicant due to its ownership of the land and the facilities and because it has an agreement with the CWCB to operate the Windy Gap Project consistent with existing instream flows below the Connectivity Channel. The applicants will not place an administrative call for the new claimed flows on the Colorado River that will result in the curtailment of adjudicated water rights upstream of the Connectivity Channel's point of diversion.

The Connectivity Channel is very important to the state of Colorado because of its part in the comprehensive enhancement package for the WGFP, which will improve the reliability of water supply in northeastern Colorado. Colorado's Water Plan specifically acknowledged this work as among the top-priority environmental and recreational projects identified by the Colorado River Basin Roundtable. Additionally, Colorado's Water Plan calls out the WGFP, including its mitigation and enhancement aspects, as a model of collaboration between eastern slope and western slope entities and state agencies that will both improve conditions for aquatic life on the Colorado River and help meet water supply needs on the eastern slope.



Windy Gap Reservoir

Colorado River

Colorado River

Connectivity Channel

Fraser River

Granby



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