



COLORADO

Parks and Wildlife

Department of Natural Resources

Water Resources Section - Capital, Parks
and Trails Branch
6060 Broadway
Denver, CO 80216

8 May 2018

Linda Bassi
Kaylea White
Colorado Water Conservation Board
Stream and Lake Protection Section
1313 Sherman Street, 7th Floor
Denver CO 80203

SUBJ: Potential Contractual Interest in Water from Ruedi Reservoir for the
Benefit of the Fryingpan River Instream Flow

Linda and Kaylea:

In response to your e mail request (2/5/2018) that Colorado Parks and Wildlife (CPW) review and analyze a proposal from the Roaring Fork Conservancy and the Colorado River Water Conservation District, we have reviewed historical operations, the written proposal documents, discussed the concepts internally with our Glenwood Springs biological staff, and have had meetings and discussions with the proponents. We understand that the May, 2018 CWCB meeting is the first meeting of a two meeting process where the proposal is presented to the Board for approval of further investigations and analyses. The following represents CPW's initial reactions and recommendations relating to the proposal.

As you know, the Fryingpan River below Ruedi Reservoir is a highly regarded fishery resource - it is a designated Gold Medal Fishery and has a widespread reputation as a premier trophy brown and rainbow trout fishery resource that is heavily used by the angling public. Further, the Fryingpan has an existing 1973 instream flow water right for 39 cfs (Nov - Apr) and 110 cfs (May - October); this is one of the first instream flow water rights appropriated by the Board following the passage of the original legislation creating the instream flow program. Per the plain language of the statute, prior to making this appropriation of water, the CWCB followed the recommendation of the Division of Wildlife and made the determination that these flows were "necessary to preserve the natural environment to a reasonable degree."

Fasting forward to the present, the CWCB now has the authority to acquire water,



water rights, or interests in water to "preserve or improve the natural environment." Earlier this year, CWCB was approached by the above referenced entities with a proposal to acquire, by lease, an interest in water stored in Ruedi Reservoir for release to the Fryingpan River during the winter months. While 39 cfs meets the criteria to be the "minimum amount necessary to preserve the natural environment to a reasonable degree", recent history has taught us that more flow during the winter months improves fish habitat, increases spawning success and fry emergence for brown trout, promotes a more robust macroinvertebrate food base for fish, and most importantly, addresses issues related to anchor ice formation and accumulation. In short, when flows in the river during the winter are higher than the 39 cfs instream flow water right, we have observed all of these flow related improvements in the fishery's response. This historical experience has led us to have the opinion that flows up to 70 cfs during the winter months can significantly improve the natural environment.

There are a few minor operational issues relating to the proposed contractual acquisition of water that CPW would like to work on with the Board's staff before the acquisition is finalized. Based on conversations that we have had with the proponents, we believe that a resolution on these issues is achievable. At this point in time, CPW believes that the proposal has merit and potential to improve the natural environment; we are therefore in support of the concept. We look forward to working with the Board's staff, the Roaring Fork Conservancy, and the Colorado River District between the May CWCB meeting and the future CWCB meeting where the Board considers final action on the proposed acquisition.

Thank you for the opportunity to provide input at this point in the process. If you have any questions, please contact Kendall Bakich or me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jay W Skinner", with a long horizontal flourish extending to the right.

Jay W Skinner
CPW Instream Flow Program Coordinator

CC: L Martin, K Bakich