



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2019 Instream Flow Appropriations in Water Divisions 2, 3, 4, 6, and 7

Date: February 4, 2019

At its January 28-29, 2019 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on fifteen stream segments. The attached ISF table provides the water division, stream name, watershed, county, length, upper terminus, lower terminus, and flow rates for all of these stream segments. Copies of the Instream Flow Recommendations and Appendices of data submitted into the Official CWCB Record are available for review by the public during regular business hours (8:00 a.m. - 5:00 p.m.) at the Colorado Water Conservation Board's Office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203. In addition to the CWCB office, copies of the Instream Flow Recommendations are available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2019ProposedISFRecommendations.aspx>

In addition to the above Instream Flow Recommendation Summary Reports and Appendices, staff may rely on any additional data, exhibits, testimony, or other information submitted by any party as part of the Official CWCB Record to support its Instream Flow Recommendations. Pursuant to Rule 5d.(3) of the [Rules Concerning the Colorado Instream Flow and Natural Lake Level Program adopted by the Colorado Water Conservation Board](#), it should also be noted that:

(a) The Board may change flow amounts of contested ISF appropriations based on information received during the public notice and comment period.

(b) Staff will maintain, pursuant to Rule 5e.(3), an ISF Subscription Mailing List for each water division composed of the names of all persons who have sent notice to the Board Office that they wish to be included on such list for a particular water division. Any person desiring to be on the ISF Subscription Mailing List(s) must send notice to the Board Office.

(c) Any meetings held between Staff and members of the public will be open to the public. Staff may provide Proper Notice prior to any such meetings and may provide notice to persons on the ISF Subscription Mailing List(s).

(d) Any Notice to Contest must be received at the Board office no later than April 1, 2019. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30, 2019.

(e) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the September 2019 Board meeting and, prior to that meeting, will send notice of the Final Staff Recommendation to all persons on the Contested Hearing Mailing List.

(f) The Board may take final action on any uncontested ISF appropriations at the May 2019 Board meeting.

A notice to contest an ISF appropriation must be made in writing and contain the following information: (a) identification of the Person(s) requesting the hearing; (b) identification of the ISF at issue; and (c) the contested facts and a general description of the data upon which the Person will rely to the extent known at that time.

Note that section 37-92-102 (3) (b), C.R.S. (2018) provides: “Any such appropriation shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree.”

Should you wish to comment on the proposed ISF Recommendations or request more information on the applicability of section 37-92-102(3)(b) to present uses of water in or above the proposed instream flow segments, you may do so by writing Rob Viehl of the Board's staff at the address given above or via email to rob.viehl@state.co.us. It should be noted that while your appearance at any meeting is welcome, such an appearance is not necessary for your concerns to be recognized. Staff will take your comments into account and, if you so request, will present them to the Board in your absence. If you are not currently on the Board's Instream Flow Subscription Mailing List and you would like to be, please contact the Board's Office at the address given above.

Instream Flow Recommendations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS) & Timing
2	Baker Creek	Huerfano	Huerfano	2.13	headwaters	USFS property boundary	2.1 (05/01 - 06/30) 1.3 (07/01 - 08/31) 0.5 (09/01 - 03/31) 1.0 (04/01 - 04/30)
2	Bonnett Creek	Huerfano	Huerfano	4.05	headwaters	confluence Cucharas River	0.4 (09/01 - 03/31) 1.0 (04/01 - 06/30) 0.55 (07/01 - 08/31)
2	Stout Creek	Arkansas Headwaters	Fremont	0.62	BLM/USFS property boundary	confluence unnamed tributary	3.5 (05/01 - 06/30) 1.5 (07/01 - 08/31) 0.6 (09/01 - 04/30)
3	Carnero Creek	Saguache	Saguache	9.81	confluence SF & MF Carnero Creeks	confluence Mogotas Arroyo	2.2 (12/01 - 02/29) 2.6 (03/01 - 11/30)
4	Cold Spring Creek	Tomichi	Saguache	1.23	Amalla Spring	confluence Pauline Creek	0.25 (07/01 - 04/30) 0.4 (05/01 - 06/30)
4	East Fork Little Cimarron River	Upper Gunnison	Gunnison	6.45	headwaters	confluence Little Cimarron River	1.0 (01/01 - 04/30) 2.8 (05/01 - 06/30) 1.2 (07/01 - 12/31)
4	Gold Creek (Increase)	Tomichi	Gunnison	10.32	headwaters	Tarkington Ditch headgate	4.0 (04/15 - 07/10)
6	Marvine Creek	Upper White	Rio Blanco	7.10	outlet of Lower Marvine Lake	confluence West Marvine Creek	5.9 (11/01 - 03/31) 13.1 (04/01 - 10/31)
6	West Marvine Creek	Upper White	Rio Blanco	9.08	headwaters	West Marvine Ditch headgate	2.9 (11/01 - 03/31) 4.6 (04/01 - 10/31)
6	Trout Creek (Increase)	Upper Yampa	Routt	6.64	confluence unnamed tributary	Koll Ditch headgate	2.0 (11/01 - 03/31) 8.0 (04/01 - 07/31) 7.0 (08/01 - 10/31)
6	North Fork White River	Upper White	Garfield	1.52	outlet of Trappers Lake	confluence Skinny Fish Creek	2.0 (11/01 - 03/31) 3.5 (04/01 - 10/31)
6	North Fork White River	Upper White	Garfield	2.47	confluence Skinny Fish Creek	confluence Big Fish Creek	7.8 (11/01 - 04/30) 34 (05/01 - 10/31)
6	North Fork White River	Upper White	Garfield Rio Blanco	4.38	confluence Big Fish Creek	confluence Ripple Creek	23 (11/16 - 05/10) 74 (05/11 - 09/15) 60 (09/16 - 11/15)
7	Disappointment Creek*	Upper Dolores	Dolores	21.7	confluence Morrison Creek	historic USGS gage	1.8 (01/01 - 01/31) 2.6 (02/01 - 03/15) 14 (03/16 - 06/30)

							8.0 (07/01 - 07/15) 5.8 (07/16 - 07/31) 2.2 (08/01 - 12/31)
7	Disappointment Creek*	Upper Dolores	Dolores San Miguel	37.8	historic USGS gage	confluence Dolores River	5.0 (03/01 - 03/15) 9.8 (03/16 - 06/15) 5.0 (06/16 - 06/30)

*Note: If the CWCB takes final action on the two Disappointment Creek ISF segments, applications in water court will not be filed until December 2019.