



TO: Colorado Water Conservation Board Members

FROM: Linda Bassi, Chief
 Jeff Baessler, Deputy Section Chief
 Stream and Lake Protection Section

DATE: March 9, 2017

AGENDA ITEM: 20. 2017 Instream Flow Recommendations in Water Division 7

Introduction

This memo provides an overview of the technical analyses that were performed by both the recommending entities and CWCB staff to provide the Board with sufficient information to declare its intent to appropriate instream flow (ISF) water rights in accordance with the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (ISF Rules). An executive summary for each stream recommendation with appendices of the supporting scientific data, which provides the technical basis for each appropriation, has been provided to the Board.

Staff Recommendation

Staff recommends that the Board:

1. Pursuant to ISF Rule 5d., declare its intent to appropriate an ISF water right on each stream segment listed on the attached Tabulation of Instream Flow Recommendations.
2. Direct Staff to publicly notice the Board’s declaration of its intent to appropriate.
3. Establish the following initial schedule for notice and comment procedure pursuant to ISF Rule 5c.

Date	Action
March 23, 2017	Board declares its intent to appropriate and hears public comment
May 17-18, 2017	Board hears public comment
May 31, 2017	Notices to Contest due
June 12, 2017	Deadline for notification to ISF Subscription Mailing List of Notices to Contest (no notification necessary if no Notices to Contest received)
June 30, 2017	Notices of Party Status and Contested Hearing Participant Status due At the July Board meeting, if necessary, Staff informs Board of Parties and Participants; Board sets hearing date

Appropriating ISF water rights on Little Sand Creek and Vallecito Creek will help achieve the goals set forth in Colorado’s Water Plan of protecting healthy environments and enhancing environmental and recreational economic values.



Background

Staff has reviewed both proposed stream segments to ensure that for each ISF recommendation, the data set is complete and standard methods and procedures were followed. In addition, staff has completed its water availability analyses. For each recommended stream segment in Water Division 7, staff has compiled sufficient information and performed the analyses necessary to provide a basis for the Board to declare its intent to appropriate ISF water rights on the streams.

Technical Investigations

Staff's executive summary and technical analysis of each stream are contained in the Instream Flow Recommendation Reports and form the basis for staff's recommendations. In addition to the reports, the scientific data and technical analyses performed by the recommending entity are accessible on the Board's web site at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.aspx>

Natural Environment Studies

The United States Forest Service (USFS), with assistance from Colorado Parks and Wildlife (CPW), has conducted field surveys of the natural environment resources on these streams and have found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the USFS and CPW collected biologic and hydraulic data and performed R2CROSS modeling on both segments. The CWCB staff analyzed and/or reviewed all of the data and models used to support the recommendations, and worked with the recommending entities to develop final recommendations of the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams listed on the attached Tabulation of Instream Flow Recommendations.

Water Availability Studies

Staff has conducted an evaluation of water availability for the streams listed. To determine the amount of water physically available for the Board's instream flow appropriations, staff analyzed available USGS gage records, available streamflow models, and/or utilized appropriate standard methods to develop a hydrograph of median daily and/or mean monthly flows for each stream flow recommendation. In addition, staff analyzed the water rights tabulation for each stream to identify any potential water availability problems. Based on these analyses, staff has determined that water is available for appropriation on each stream to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of valid water rights.

On both of the listed streams, CWCB staff suggested modifications to the R2Cross biological recommendation due to water availability limitations. For these streams, staff met with the USFS and CPW to review the water availability analyses and discuss whether the modified recommendation would preserve the natural environment to a reasonable degree. After reviewing staff's hydrology and the original R2Cross results, and evaluating the indicator species and other aspects of the natural environment, the USFS and CPW concluded that the proposed modified recommendations would preserve the natural environment to a reasonable degree on each stream segment.

Stakeholder Outreach

Staff provided public notice of the recommendations in both March and November of 2016, contacted or met with the County Commissioners for each county where the stream segments are located, and contacted water commissioners on each stream segment. Additionally, staff, the Southwestern Water Conservation District, the Dolores River Water Conservancy District, the USFS, and CPW have discussed these recommendations in the context of broader discussions related to Case No. W-1605-76B, the application of the USFS for federal reserved water rights in the San Juan National Forest.

Attachments



Colorado Water Conservation Board
**Instream Flow Tabulation**
Water Division 7



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
7		Little Sand Creek	Piedra	Hinsdale	headwaters in the vicinity of E: 295092.17 N: 4155370.98	confl. Weminuche Creek at E: 301670.41 N: 4145491.80	8.1	1.5 (12/01 - 02/29) 1.9 (03/01 - 03/31) 3.6 (04/01 - 04/15) 6.6 (04/16 - 07/31) 3 (08/01 - 09/15) 2.2 (09/16 - 09/30) 3 (10/01 - 11/30)	
7		Vallecito Creek	Upper San Juan	La Plata	Wilderness Boundary at E: 275046.50 N: 4150869.72	USFS Property Boundary at E: 274708.66 N: 4150223.84	0.51	20 (01/01 - 03/15) 33 (03/16 - 04/15) 92 (04/16 - 08/31) 70 (09/01 - 10/31) 45 (11/01 - 11/15) 31 (11/16 - 12/14) 25 (12/15 - 12/31)	

<p>Totals for Water Division 7</p>	<p>Total # Appropriations = 2 Total # Appropriation Stream Miles = 8.6</p>
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John Hickenlooper, Governor

Bob Randall, Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Jeff Baessler, Deputy Section Chief
Stream and Lake Protection Section

DATE: July 7, 2017

AGENDA ITEM: 10 . Uncontested 2017 Instream Flow Appropriations on Little Sand Creek
and Vallecito Creek in Water Division 7

Background

On March 23, 2017, the CWCB formed its intent to appropriate instream flow ("ISF") water rights on 2 stream segments in Water Division 7. The United States Forest Service ("USFS") recommended these streams for inclusion into the CWCB's Instream Flow and Natural Lake Level Program. Pursuant to ISF Rule 5h., the two uncontested stream segments described on the attached tables are being recommended to the Board for Final Action.

Technical Investigations

The Board was provided detailed information regarding all field data, studies and analyses for each stream segment at its March 23, 2017 Board meeting.

Natural Environment Studies

The recommending entity conducted field surveys on these streams and found natural environments that can be preserved to a reasonable degree. To quantify the resources and to evaluate instream flow requirements, the recommender collected biologic and hydraulic data, and the CWCB staff reviewed and analyzed this data. Based on the results of these reviews and analyses, the CWCB staff prepared recommendations for the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams.

Water Availability Studies

The CWCB staff has conducted evaluations of water availability for these streams. To determine the amount of water physically available for the Board's appropriations, staff analyzed available USGS gage records, available streamflow models, and utilized appropriate standard methods to develop a hydrograph of mean daily flows for each of the recommendations. Staff also relied upon the flow measurements made as part of the field survey, to further verify the amount of water physically available in each of the streams. In addition, staff analyzed the water rights tabulation and consulted with the Division Engineer's Office in Water Division 7 to identify any potential water availability problems. Based upon its analysis, staff has determined that water is available for



appropriation on each stream to preserve the natural environment to a reasonable degree without limiting or foreclosing the exercise of existing water rights.

Relevant Instream Flow Rules

5f. Date of Appropriation. The Board may select an appropriation date that may be no earlier than the date the Board declares its intent to appropriate. The Board may declare its intent to appropriate when it concludes that it has received sufficient information that reasonably supports the findings required in Rule 5i.

5h. Final Board Action on an ISF Recommendation. The Board may take final action on any uncontested Staff Recommendation(s) at the May Board meeting or any Board meeting thereafter. If a Notice to Contest has been filed, the Board shall proceed under Rule 5j-5q.

5i. Required Findings. Before initiating a water right filing to confirm its appropriation, the Board must make the following determinations:

- (1) Natural Environment. That there is a natural environment that can be preserved to a reasonable degree with the Board's water right if granted.
- (2) Water Availability. That the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made.
- (3) Material Injury. That such environment can exist without material injury to water rights.

These determinations shall be subject to judicial review in the water court application and decree proceedings initiated by the Board, based on the Board's administrative record and utilizing the criteria of section 24-4-106(6) and (7), C.R.S. (2016).

Staff recommendation

Staff requests that the Board make the following determinations and take the following actions on each of the appropriations identified in the attached tables, based on the information contained in this memo as well as the information presented by staff both in writing and orally at the March 23, 2017 Board meeting.

(1) Determine, pursuant to section 37-92-102(3), C.R.S. (2016), and based upon the recommendation of the USFS addressing biological needs, flow rates, reaches and time periods, and a review of the data and other information presented by Staff in this memo and orally, that for each ISF appropriation in the amounts identified in the attached table:

- (a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
- (b) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
- (c) Such natural environment can exist without material injury to water rights.

(2) Pursuant to ISF Rule 5f., establish March 23, 2017 as the appropriation date for these water rights.

(3) Direct staff to request the Attorney General's Office to file the necessary water rights applications.

Attachments



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 7



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount (CFS)	Approp Date
7		Little Sand Creek	Piedra	Hinsdale	headwaters in the vicinity of E: 295092.17 N: 4155370.98	confl. Weminuche Creek at E: 301670.41 N: 4145491.80	8.07	1.5 (12/01 - 02/29) 1.9 (03/01 - 03/31) 3.6 (04/01 - 04/15) 6.6 (04/16 - 07/31) 3 (08/01 - 09/15) 2.2 (09/16 - 09/30) 3 (10/01 - 11/30)	03/23/2017
7		Vallecito Creek	Upper San Juan	La Plata	Wilderness Boundary at E: 275046.50 N: 4150869.72	USFS Property Boundary at E: 274708.66 N: 4150223.84	0.51	20 (01/01 - 03/15) 33 (03/16 - 04/15) 92 (04/16 - 08/31) 70 (09/01 - 10/31) 45 (11/01 - 11/15) 31 (11/16 - 12/14) 25 (12/15 - 12/31)	03/23/2017

<p>Totals for Water Division 7</p>	<p>Total # Appropriations = 2 Total # Appropriation Stream Miles = 8.6</p>
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John Hickenlooper, Governor

Bob Randall, Executive Director

Lauren Ris, Acting CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Jeff Baessler, Deputy Section Chief
Stream and Lake Protection Section

DATE: May 17, 2017

AGENDA ITEM: 15. Public Comment on 2017 Instream Flow Appropriations in Water Division 7

Background

At its March 23, 2017 meeting, the Board declared its intent to appropriate 2 instream flow (ISF) water rights in water division 7. The purpose of this agenda item is to provide notice to the public for these 2 proposed appropriations (see table below), and to provide an opportunity for public comment pursuant to Rule 5e. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (ISF Rules). Detailed information regarding these stream segments is available on the CWCB website located at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.aspx>

Anyone wishing to contest one or more of these ISF appropriations must file a Notice to Contest with the Board, pursuant to ISF Rule 5k., by May 31, 2017. If either of these ISF appropriations are uncontested, then Staff will ask the Board to take final action on the uncontested appropriations at its July 2017 meeting.

The Board's appropriation of these instream flow water rights protects healthy environments and enhances environmental and recreational economic values, both of which are goals identified in Colorado's Water Plan.

Staff recommendation

This is an informational item with no Board action required.

Instream Flow Recommendations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
7	Little Sand Creek	Piedra	Hinsdale	8.10	Headwaters	Confluence Weminuche Creek	1.5 (12/01 - 02/29) 1.9 (03/01 - 03/31) 3.6 (04/01 - 04/15) 6.6 (04/16 - 07/31) 3.0 (08/01 - 09/15) 2.2 (09/16 - 09/30) 3.0 (10/01 - 11/30)



7	Vallecito Creek	Upper San Juan	La Plata	0.51	Weminuche Wilderness Boundary	U.S. Forest Service Property Boundary	20 (01/01 - 03/15) 33 (03/16 - 04/15) 92 (04/16 - 08/31) 70 (09/01 - 10/31) 45 (11/01 - 11/15) 31 (11/16 - 12/14) 25 (12/15 - 12/31)
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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2017 Instream Flow Appropriations in Water Divisions 7

Date: March 28, 2017

At its March 22-23, 2017 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on two stream segments. The attached ISF table provides the name, watershed, county, upper terminus, lower terminus, length and flow rates for both 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 and Natural Lake Level Recommendations are available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.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 May 31, 2017. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than June 30, 2017.

(e) The Board may take final action on any uncontested ISF appropriations at the July 2017 Board meeting.

(f) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the November 2017 Board meeting and, prior to that meeting, will send notice of the Final Staff Recommendation to all persons on the Contested Hearing Mailing List.

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(s) 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.

Should you wish to comment on the proposed ISF Recommendations, you may do so by writing Jeff Baessler of the Board's staff at the address given above or by sending your comments by email to jeffrey.baessler@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)
7	Little Sand Creek	Piedra	Hinsdale	8.10	Headwaters	Confluence Weminuche Creek	1.5 (12/01 - 02/29) 1.9 (03/01 - 03/31) 3.6 (04/01 - 04/15) 6.6 (04/16 - 07/31) 3.0 (08/01 - 09/15) 2.2 (09/16 - 09/30) 3.0 (10/01 - 11/30)
7	Vallecito Creek	Upper San Juan	La Plata	0.51	Weminuche Wilderness Boundary	U.S. Forest Service Property Boundary	20 (01/01 - 03/15) 33 (03/16 - 04/15) 92 (04/16 - 08/31) 70 (09/01 - 10/31) 45 (11/01 - 11/15) 31 (11/16 - 12/14) 25 (12/15 - 12/31)



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Pursuant to ISF Rule 5c. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, this notice identifies the streams and lakes to be considered for instream flow (ISF) and natural lake level appropriations in 2017. At the January or March 2017 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate instream flow and natural lake level water rights for the streams and lakes listed on the attached Instream Flow and Natural Lake Level Appropriation List. The attached list contains a description of the Instream Flow and Natural Lake Level Recommendations including stream name, watershed, county, length, upper terminus, and lower terminus.

Copies of the Instream Flow and Natural Lake Level 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 and Natural Lake Level Recommendations are available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.aspx>

In addition to the above Instream Flow and Natural Lake Level Recommendations 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 and Natural Lake Level Recommendations.

It should also be noted that, pursuant to the [ISF Rules](#):

5d. (3)

(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 March 31, 2017, or the first business day thereafter. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30, 2017 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2017 Board meeting and 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 2017 Board meeting.

The schedule set forth in (d), (e), and (f) above will apply to streams and lakes on which the CWCB declares its intent to appropriate water rights in January 2017. A different schedule will apply to streams and lakes on which the CWCB declares its intent to appropriate water rights in March 2017. Should you wish to comment on any proposed Instream Flow and Natural Lake Level Recommendations, you may do so by writing Jeff Baessler of the Board's staff at the address given above or by sending your comments by email to jeffrey.baessler@state.co.us, or 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 January 2017

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Rock Creek	South Platte Headwaters	Park	4.67	Headwaters	Confl. Natural Falls
1	Unnamed Tributary to Rough & Tumbling Creek	South Platte Headwaters	Park	2.78	Headwaters	Confl. Rough & Tumbling Creek
2	Apishapa River	Apishapa	Las Animas	4.52	Headwaters	Confl. Herlick Canyon
4	Brush Creek (Increase)	East-Taylor	Gunnison	2.32	Confl. Middle & East Brush Creeks	Confl. West Brush Creek
4	Coal Creek (Increase)	East-Taylor	Gunnison	7.67	Lake Irwin Outlet	Spann Nettick Ditch Hdgt.
4	West Fork Terror Creek	North Fork Gunnison	Delta	5.85	Headwaters	Confl. East Fork Terror Creek
5	Abrams Creek (Increase)	Eagle	Eagle	3.95	Headwaters	Mrs. Paye Ditch Hdgt.
5	Dry Fork Roan Creek	Parachute-Roan	Garfield	2.59	Confl. South Dry Fork & North Dry Fork	Dry Fork Ditch Hdgt.
5	Piney River (Increase)	Colorado Headwaters	Eagle	7.83	Confl. Grape Creek	Confl. Colorado River
6	Elkhead Creek	Upper Yampa	Routt	10.94	Confl. First Creek	Confl. North Fork Elkhead Creek

6	Elkhead Creek	Upper Yampa	Routt	15.83	Confl. North Fork Elkhead Creek	USGS Gage # 09246200
6	Fourmile Creek	Little Snake	Moffat	3.13	Headwaters	Norma Ryan Ditch Hdgt.
6	North Fork Elkhead Creek	Upper Yampa	Routt	9.39	Headwaters	Confl. Elkhead Creek
6	Piceance Creek	Piceance-Yellow	Garfield, Rio Blanco	6.93	Headwaters	Confl. Unnamed Tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	Confl. Unnamed Tributary	Confl. Cow Creek
6	Slater Creek	Little Snake	Moffat	12.58	Confl. Beaver Creek	USGS Gage # 09255000

Natural Lake Level Recommendations January 2017

Div	Lake	Watershed	County	Location (Center-point) (NAD 1983 Zone 13 North)
1	Lower Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382628.84 UTM East: 436446.05
1	Upper Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382778.58 UTM East: 436049.39

Instream Flow Recommendations March 2017

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
7	Himes Creek	Upper San Juan	Mineral	2.01	Headwaters	Himes Ditch Hdgt.
7	Little Sand Creek	Piedra	Hinsdale	8.07	Headwaters	Confl. Weminuche Creek
7	Rio Lado	Upper Dolores	Montezuma	3.30	Headwaters	Confl. Dolores River
7	Vallecito Creek	Upper San Juan	La Plata, San Juan	17.75	Outlet of Vallecito Lake	USFS Property Boundary



TO: Colorado Water Conservation Board Members

FROM: Jeff Baessler
 Deputy Section Chief

DATE: November 17, 2016

AGENDA ITEM: 20. Notice of 2017 Instream Flow Recommendation
 Appropriations in Water Divisions 1, 2, 4, 5, 6 and 7

Background:

Pursuant to Instream Flow (“ISF”) Rule 5c., the Colorado Water Conservation Board is providing notice that the following 20 stream segments and natural lakes are being considered for ISF and Natural Level (NLL) appropriations in 2017. At the January 2017 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF and NLL water rights on some or all of the streams and lakes listed in Tables 1 and 2. In addition, at the March 2017 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF and NLL water rights on some or all of the streams listed in Table 3. All of these streams and lakes were previously noticed at the Board’s March 2016 meeting.

Staff recommendation:

This is an informational item that provides notice of recommended stream segments that staff may bring to the Board in January or March of 2017 with a recommendation that the Board form its intent to appropriate ISF water rights. No Board action is required.

Table 1: Instream Flow Recommendations January 2017

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Rock Creek	South Platte Headwaters	Park	5.92	Headwaters	Confl. Natural Falls
1	Unnamed Tributary to Rough & Tumbling Creek	South Platte Headwaters	Park	2.78	Headwaters	Confl. Rough & Tumbling Creek
2	Apishapa River	Apishapa	Las Animas	4.52	Headwaters	Confl. Herlick Canyon
4	Brush Creek (Increase)	East-Taylor	Gunnison	2.32	Confl. Middle & East Brush Creeks	Confl. West Brush Creek
4	Coal Creek (Increase)	East-Taylor	Gunnison	7.67	Lake Irwin Outlet	Spann Nettick Ditch Hdgt.
4	West Fork Terror Creek	North Fork Gunnison	Delta	5.85	Headwaters	Confl. East Fork Terror Creek
5	Abrams Creek (increase)	Eagle	Eagle	3.95	Headwaters	Mrs. Paye Ditch Hdgt.



5	Dry Fork Roan Creek	Parachute-Roan	Garfield	2.59	Confl. South Dry Fork and North Dry Fork	Dry Fork Ditch Hdgt.
5	Piney River (Increase)	Colorado Headwaters	Eagle	7.83	Confl. Grape Creek	Confl. Colorado River
6	Elkhead Creek	Upper Yampa	Routt	10.94	Confl. First Creek	Confl. North Fork Elkhead Creek
6	Elkhead Creek	Upper Yampa	Routt	15.83	Confl. North Fork Elkhead Creek	USGS Gage # 09246200
6	Fourmile Creek	Little Snake	Moffat	3.13	Headwaters	Norma Ryan Ditch Hdgt.
6	North Fork Elkhead Creek	Upper Yampa	Routt	9.39	Headwaters	Confl. Elkhead Creek
6	Piceance Creek	Piceance-Yellow	Garfield, Rio Blanco	6.93	Headwaters	Confl. Unnamed Tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	Confl. Unnamed Tributary	Confl. Cow Creek
6	Slater Creek	Little Snake	Moffat	12.58	Confl. Beaver Creek	USGS Gage # 09255000

Table 2: Natural Lake Level Recommendations January 2017

Div	Lake	Watershed	County	Location (Centerpoint) (NAD 1983 Zone 13 North)
1	Lower Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382628.84 UTM East: 436446.05
1	Upper Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382778.58 UTM East: 436049.39

Table 3: Instream Flow Recommendations March 2017

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
7	Himes Creek	Upper San Juan	Mineral	2.01	Headwaters	Himes Ditch Hdgt.
7	Little Sand Creek	Piedra	Hinsdale	8.07	Headwaters	Confl. Weminuche Creek
7	Rio Lado*	Upper Dolores	Montezuma	3.30	Headwaters	Confl. Dolores River
7	Vallecito Creek	Upper San Juan	La Plata, San Juan	17.75	Outlet of Vallecito Lake	USFS Property Boundary

* NLL appropriations may be sought in addition to the ISF appropriation to preserve the natural environment at lower end of Rio Lado Creek.

The detailed recommendations and appendices for these streams can be found on the CWCB website at: <http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.aspx>



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Bob Randall, DNR Interim Executive Director

James Eklund, CWCB Director

Memorandum

To: ISF Subscription Mailing List

Date: March 3, 2016

Subject: Proposed 2017 Instream Flow and Natural Lake Appropriations

Pursuant to ISF Rule 5c of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, this notice identifies the streams to be considered for instream flow (ISF) and natural lake level (NLL) appropriations in 2017. At the January 2017 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate ISF and NLL water rights for the streams and lakes listed on the attached ISF and NLL Appropriation List. The attached list describes 12 new recommendations (identified with an *) that were received in January 2016 and 26 recommendations that were received in previous years. The older recommendations did not move forward in previous years due to the need for additional scientific data and/or ongoing attempts to address stakeholder issues.

The ISF and NLL 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 CWCB office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203. Copies are also available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2017ProposedISFRecommendations.aspx>

In addition to the above ISF and NLL recommendations 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 ISF and NLL recommendations.

It should also be noted that, pursuant to the [ISF Rules](#):

5d. (3)

(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 March 31, 2017, or the first business day thereafter. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30, 2017 or the first business day thereafter.



(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2017 Board meeting and 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 2017 Board meeting.

Comments on the proposed ISF and NLL recommendations can be submitted in writing to Jeff Baessler at the address given above or by emailing jeffrey.baessler@state.co.us, or rob.viehl@state.co.us. Your appearance at any meeting is welcome, but 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 ISF Subscription Mailing List and you would like to be, please contact the CWCB at the address given above.

ISF Recommendations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Quad Sheet(s)
1	Cache la Poudre River	Cache la Poudre	Larimer	11.15	Outfall Watson Fish Hatchery	Box Elder Ditch Hdgt.	Fort Collins, Horsetooth Reservoir, Laporte
1	Coal Creek	St. Vrain	Boulder	6.00	Boulder County Open Space Boundary	Louisville Wastewater Treatment Outfall	Louisville, Lafayette
1	Coal Creek	St. Vrain	Boulder	1.72	Louisville Wastewater Treatment Outfall	Pumping Station #2	Lafayette
1	Duck Creek	Upper South Platte	Clear Creek	1.08	Outlet of Lower Square Lake	Inlet of Duck Lake	Mount Evans
1	Indian Creek	Upper South Platte	Park	2.74	Headwaters	confl. Willow Gulch	Farnum Peak, Topaz Mtn.
1	McCurdy Creek	Upper South Platte	Park	3.37	Headwaters	confl. Lost Creek	McCurdy Mtn., Windy Peak
1	Platte Gulch	South Platte headwaters	Park	1.54	Headwaters	confl. Middle Fork South Platte River	Alma, Climax
1	Rock Creek	South Platte headwaters	Park	5.92	Headwaters	confl. Natural Falls	Mount Logan, Observatory Park
1	Unnamed Tributary to Rough and Tumbling Creek	South Platte headwaters	Park	2.78	Headwaters	confl. Rough & Tumbling Creek	Jones Hill, South Peak
2	Apishapa River	Apishapa	Las Animas	4.52	Headwaters	confl. Herlick Canyon Creek	Cucharas Pass, Herlick Canyon
2	Arkansas River	Upper Arkansas	Pueblo	9.13	Outlet of Fish Hatchery	confl. Fountain Creek	North West Pueblo
2	Baker Creek	Huerfano	Huerfano	2.13	Headwaters	USFS Property Boundary	Trinchera, Trinchera Peak
2	Beaver Creek	Upper Arkansas	Freemont	8.91	confl. East Beaver Creek	confl. unnamed tributary	Phantom Canyon, Mount Pittsburg
2	Bonnett Creek	Huerfano	Huerfano	3.30	Headwaters	USFS Property Boundary	Cuchara, McCarty Peak
2	West Beaver Creek	Upper Arkansas	Freemont, Teller	7.49	confl. Douglas Gulch	confl. East Beaver Creek	Big Bull Mtn, Phantom Canyon
4	*Brush Creek (Increase)	East-Taylor	Gunnison	2.32	confl. Middle and East Brush Creeks	confl. West Brush Creek	Gothic, Pearl Pass
4	* Coal Creek (Increase)	East-Taylor	Gunnison	7.67	Lake Irwin Outlet	Spann Nettick Ditch Hdgt.	Crested Butte, Mount Axtell

4	Cow Creek	Uncompahgre	Ouray	11.81	USFS Property Boundary	confl. Uncompahgre River	Colona, Dallas, Ridgway
4	Kelso Creek	Lower Gunnison	Mesa	9.89	Headwaters	confl. Bear Gulch	Kelso Point, Snipe Mountain
4	Little Cimarron River (Increase)	Upper Gunnison	Gunnison	2.49	confl. Van Boxel Creek	Butte Ditch Hdgt.	Lost Lake
4	Little Cimarron River	Upper Gunnison	Gunnison	6.56	Butte Ditch Hdgt.	confl. Cimarron River	Cimarron, Curecanti Needle, Lost Lake
4	*West Fork Terror Creek	North Fork Gunnison	Delta	5.85	Headwaters	confl. East Fork Terror Creek	Bowie, Gray Reservoir
5	Abrams Creek (Increase)	Eagle	Eagle	3.95	Headwaters	Mrs. Paye Ditch Hdgt.	The Seven Hermits
5	Dry Fork Roan Creek	Parachute-Roan	Garfield	7.66	confl. South Dry Fork and North Fork Dry Fork Creeks	confl. Roan Creek	Long Point, Wagon Track Ridge
5	*Piney River (Increase)	Colorado Headwaters	Eagle	7.83	confl. Grape Creek	confl. Colorado River	Lava Creek, State Bridge
6	Elkhead Creek	Upper Yampa	Routt	10.94	confl. First Creek	confl. North Fork Elkhead Creek	Quaker Mountain, Slide Mountain.
6	Elkhead Creek	Upper Yampa	Routt	15.83	confl. North Fork Elkhead Creek	inlet Elkhead Reservoir	Rock Springs Gulch, Slide Mtn.
6	*Fourmile Creek	Little Snake	Moffat	3.13	Headwaters	Norma Ryan Ditch Hdgt.	Freeman Reservoir
6	North Fork Elkhead Creek	Upper Yampa	Routt	9.39	Headwaters	confl. Elkhead Creek	Bears Ears Peaks, Buck Point, Slide Mountain
6	*Piceance Creek	Piceance Creek - Yellow Creek	Garfield, Rio Blanco	6.93	Headwaters	confl. unnamed tributary	Rio Blanco, Thirteenmile Creek
6	*Piceance Creek	Piceance Creek - Yellow Creek	Rio Blanco	3.83	confl. unnamed tributary	confl. Cow Creek	McCarthy Gulch, Rio Blanco
6	*Slater Creek	Little Snake	Moffat	9.26	confl. Beaver Creek	Slater Fork Ditch Hdgt.	Bakers Peak, Fly Creek
7	*Himes Creek	Upper San Juan	Mineral	2.01	Headwaters	Himes Ditch Hdgt.	Saddle Mountain
7	*Little Sand Creek	Piedra	Hinsdale	8.07	Headwaters	confl. Weminuche Creek	Bear Mountain, Granite Lake, Oakbrush Ridge
7	*Rio Lado	Upper Dolores	Montezuma	3.30	Headwaters	confl. Dolores River	Orphan Butte, Wallace Ranch
7	*Vallecito Creek	Upper San Juan	La Plata, San Juan	17.75	Outlet of Vallecito Lake	USFS Property Boundary	Columbine Pass, Storm King Peak, Vallecito Reservoir

NLL Recommendations

Div	Lake	Watershed	County	Location (NAD 1983 Zone 13 North)	Quad Sheet(s)
1	Lower Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382628.84 UTM East: 436446.05	Mount Evans
1	Upper Square Top Lake	Upper South Platte	Clear Creek	UTM North:4382778.58 UTM East: 436049.39	Mount Evans