



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
Denver, CO 80203

P (303) 866-3441

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John Hickenlooper, Governor

Robert Randall, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Rob Viehl, Water Resource Specialist
Stream and Lake Protection Section

DATE: May 10, 2018

AGENDA ITEM: 14. Uncontested 2018 Instream Flow Appropriations in Water
Divisions 3, 4, and 6

Background

On January 22, 2018, the CWCB formed its intent to appropriate instream flow (ISF) water rights on seven stream segments in Water Divisions 3, 4, and 6. The Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW), High Country Conservation Advocates (HCCA), and Western Resource Advocates (WRA) recommended these streams **for inclusion into the CWCB's Instream Flow** and Natural Lake Level Program. Pursuant to ISF Rule 5h., the seven 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 January 22, 2018 Board meeting.

Natural Environment Studies

The recommending entities 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 recommenders 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 each water division 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. (2017).

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 January 22, 2018 Board meeting.

- (1) Determine, pursuant to section 37-92-102(3), C.R.S. (2017), and based upon the recommendations of BLM, CPW, HCCA, and WRA 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 at the flow rates 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 January 22, 2018 as the appropriation date for these water rights.

Attachments



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 3



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Flow Rates (CFS) (Dates)	Approp Date
3		Miners Creek	Saguache	Saguache	headwaters in the vicinity of E: 361754.34 N: 4200135.10	confl Prong Creek at E: 367461.17 N: 4201747.81	4.35	0.56 (09/01 - 04/30) 1 (05/01 - 08/31)	01/22/2018
3		Prong Creek	Saguache	Saguache	headwaters in the vicinity of E: 364704.01 N: 4198791.92	confl South Carnero Creek at E: 368816.09 N: 4202053.13	3.71	0.4 (09/01 - 04/30) 4.2 (05/01 - 08/31)	01/22/2018

Totals for Water Division 3

Total # Appropriations = 2
Total # Appropriation Stream Miles = 8.1

Instream Flow Tabulation - Water Division 4

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Flow Rates (CFS) (Dates)	Approp Date
4		Coyote Wash	Upper Dolores	Montrose	Colorado/Utah Stateline at E: 145400.51 N: 4236977.92	confl Dolores River at E: 154771.65 N: 4238974.99	10.48	0.8 (09/01 - 02/29) 2.2 (03/01 - 08/31)	01/22/2018
4		Dutchman Creek	Tomichi	Saguache	headwaters in the vicinity of E: 369063.00 N: 4242474.76	confl Owens Creek at E: 368109.13 N: 4251307.88	6.78	0.94 (04/01 - 08/31) 0.84 (09/01 - 03/31)	01/22/2018

Totals for Water Division 4

Total # Appropriations = 2
Total # Appropriation Stream Miles = 17.3

Instream Flow Tabulation - Water Division 6

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Flow Rates (CFS) (Dates)	Approp Date
6		Douglas Creek	Lower White	Rio Blanco	confl E & W Douglas Creeks at E: 181274.73 N: 4418708.38	confl White River at E: 177669.10 N: 4444930.57	26.29	2.7 (03/16 - 06/15) 1.7 (06/16 - 06/30)	01/22/2018
6		Hahn Creek	Upper White	Rio Blanco	headwaters in the vicinity of E: 285101.12 N: 4445142.66	confl Lost Creek at E: 290147.03 N: 4441691.21	4.71	0.75 (11/01 - 04/30) 2.6 (05/01 - 08/31) 1.6 (09/01 - 10/31)	01/22/2018
6		Lost Creek	Upper White	Rio Blanco	confl Hahn Creek at E: 290147.03 N: 4441691.21	confl Long Park Creek at E: 289667.03 N: 4436992.17	3.64	1.3 (10/01 - 03/31) 2.3 (04/01 - 08/15) 1.8 (08/16 - 09/30)	01/22/2018

Totals for Water Division 6

Total # Appropriations = 3
Total # Appropriation Stream Miles = 34.6

Totals Divisions: 3,4,6

Total # Appropriations = 7
Total # Appropriation Stream Miles = 60



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Department of Natural Resources

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www.cwcb.state.co.us

Public Notice

To: All Interested Parties

Subject: Notice of Contested 2018 ISF Appropriations

Date: April 4, 2018

As required by Rule 5k.(4) of the Rules Concerning The Colorado Instream Flow (ISF) and Natural Lake Level (NLL) Program, the Colorado Water Conservation Board hereby provides the subscribers to the ISF Subscription Mailing List with notice of contested ISF appropriations. The contested ISF appropriation is located in Water Divisions 5 as listed below:

Water Division	Stream Segment	County
5	Abrams Creek (ISF Increase) (<i>Headwaters to Mrs. Paye Ditch Hdgt.</i>)	Eagle

For more detailed information regarding this ISF appropriation and a copy of the Notice to Contest, please go to CWCB's website at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2018ContestedISFAppropriations.aspx>

The Rules Concerning the Colorado ISF and NLL Program state the following with regard to Contested ISF Appropriations:

Party status will be granted to any person who timely files a Notice of Party Status with the Staff. Any person filing a Notice to Contest shall be granted Party status and need not also file a Notice of Party Status. A Notice of Party status must be received by April 30th. A Notice of Party status shall set forth a brief and plain statement of the reasons for obtaining Party status, the contested facts, the matters that the person claims should be decided and a general description of the data to be presented to the Board. The Board will have discretion to grant or deny Party status to any person who files a Notice of Party Status after April 30th, for good cause shown.

Only a Party may submit for the record technical evidence, technical witnesses or file legal memoranda. Each Party is responsible for mailing copies of all documents submitted for Board consideration to all other Parties and Contested Hearing Participants.

Any person who desires to participate in the process, but not as a Party, may obtain Contested Hearing Participant status by filing a notice thereof at the Board Office prior to April 30th. A person with such status will receive all Party documents specific to the contested appropriation. Contested Hearing Participants may comment on their own behalf, but may not submit for the record technical evidence, technical witnesses or legal memoranda. The Board will have discretion to grant or deny Contested Hearing Participant status to any person who filed a Notice of Contested Hearing Participant Status after April 30th, for good cause shown.

The request for Contested Hearing Participant status must be received by April 30th.

Staff shall notify all Parties and Contested Hearing Participants of the list of Contested Hearing Participants prior to May 31st. Thereafter, Parties shall also mail their prehearing statements and any other documents to Contested Hearing Participants.

A copy of the Rules Concerning the Colorado ISF and NLL Program is available on the CWCB website at:

<http://cwcb.state.co.us/legal/Documents/Rules/Final%20Adopted%20ISF%20Rules%201-27-2009.pdf>

We encourage you to share the information provided in this notice with any groups or individuals whom you feel would have an interest in the State of Colorado's Instream Flow Program.

Hard copies of notices for Party and Contested Hearing Participant status should be sent to the **CWCB's office at** 1313 Sherman Street, Room 718, Denver, Colorado 80203 and electronic submissions to rob.viehl@state.co.us. If you have any additional questions regarding this notice, please contact Rob Viehl at (303) 866-3441 X 3237.



TO: Colorado Water Conservation Board Members

FROM: Rob Viehl, Water Resource Specialist
Jeff Baessler, Deputy Section Chief
Stream and Lake Protection Section

DATE: March 9, 2018

AGENDA ITEM: 13. Public Comment on 2018 Instream Flow Appropriations in Water Divisions 3, 4, 5, and 6.

Background

At its January 22, 2018 meeting, the Board declared its intent to appropriate 8 instream flow (ISF) water rights. The purpose of this agenda item is to provide notice to the public for these 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://cwcw.state.co.us/environment/instream-flow-program/Pages/2018ProposedISFRecommendations.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 April 2, 2018. Staff will ask the Board to take final action on all uncontested ISF appropriations at its May 2018 meeting.

The Board's appropriation of these water rights will help achieve the goals set forth in **Colorado's Water Plan** of promoting the restoration, recovery, sustainability, and resiliency of endangered, threatened, and imperiled aquatic- and riparian-dependent species and plant communities, protecting healthy environments, and enhancing environmental and recreational economic values.

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)/ Date
3	Miners Creek	Saguache	Saguache	4.35	headwaters	confl Prong Creek	0.56 (09/01 - 04/30) 1 (05/01 - 08/31)
3	Prong Creek	Saguache	Saguache	3.71	headwaters	confl South Carnero Creek	0.4 (09/01 - 04/30) 4.2 (05/01 - 08/31)
4	Coyote Wash	Upper Dolores	Montrose	10.5	Colorado/Utah Stateline	confl Dolores River	0.8 (09/01 - 02/29) 2.2 (03/01 - 08/31)
4	Dutchman Creek	Tomichi	Saguache	6.78	headwaters	confl Owens Creek	0.94 (04/01 - 08/31) 0.84 (09/01 - 03/31)
5	Abrams Creek (Increase)	Eagle	Eagle	3.95	headwaters	Mrs. Paye Ditch hdgt	0.75 (05/01 - 09/30)
6	Douglas Creek	Lower White	Rio Blanco	26.3	confl E & W Douglas Creeks	confl White River	2.7 (03/16 - 06/15) 1.7 (06/16 - 06/30)
6	Lost Creek	Upper White	Rio Blanco	3.64	confl Hahn Creek	confl Long Park Creek	1.3 (10/01 - 03/31) 2.3 (04/01 - 08/15) 1.8 (08/16 - 09/30)
6	Hahn Creek	Upper White	Rio Blanco	4.71	headwaters	confl Lost Creek	0.75 (11/01 - 04/30) 2.6 (05/01 - 08/31) 1.6 (09/01 - 10/31)



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To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2018 Instream Flow Appropriations in Water Divisions 3, 4, 5, and 6

Date: January 29, 2018

At its January 22-23, 2018 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on eight stream segments. The attached ISF table provides the 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/2018ProposedISFRecommendations.aspx>

In addition to the above ISF 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 ISF 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 2, 2018. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than May 1, 2018.

(e) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the September 2018 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 2018 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 appropriation(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 or Rob Viehl 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

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS) & Timing
3	Miners Creek	Saguache	Saguache	4.35	Headwaters	Confl. Prong Creek	0.56 (09/01 - 04/30) 1 (05/01 - 08/31)
3	Prong Creek	Saguache	Saguache	3.71	Headwaters	Confl. South Carnero Creek	0.4 (09/01 - 04/30) 4.2 (05/01 - 08/31)
4	Coyote Wash	Upper Dolores	Montrose	10.5	Colorado/Utah Stateline	Confl. Dolores River	0.8 (09/01 - 02/29) 2.2 (03/01 - 08/31)
4	Dutchman Creek	Tomichi	Saguache	6.78	Headwaters	Confl. Owens Creek	0.94 (04/01 - 08/31) 0.84 (09/01 - 03/31)
5	Abrams Creek	Eagle	Eagle	3.95	Headwaters	Mrs. Paye Ditch hdgt	0.75 (05/01 - 09/30)
6	Douglas Creek	Lower White	Rio Blanco	26.3	Confl. E & W Douglas Creeks	Confl. White River	2.7 (03/16 - 06/15) 1.7 (06/16 - 06/30)
6	Lost Creek	Upper White	Rio Blanco	3.64	Confl. Hahn Creek	Confl. Long Park Creek	1.3 (10/01 - 03/31) 2.3 (04/01 - 08/15) 1.8 (08/16 - 09/30)
6	Hahn Creek	Upper White	Rio Blanco	4.71	Headwaters	Confl. Lost Creek	0.75 (11/01 - 04/30) 2.6 (05/01 - 08/31) 1.6 (09/01 - 10/31)



TO: Colorado Water Conservation Board Members

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

DATE: January 11, 2018

AGENDA ITEM: 12. Instream Flow Appropriations in Water Divisions 3, 4, 5, and 6

Introduction

This memo provides an overview of the technical analyses 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 separately.

Staff Recommendation

Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an ISF water right on each stream segment listed on the attached Tabulation of Instream Flow **Recommendations, and direct Staff to publicly notice the Board's declaration of its intent to appropriate.**

Background

Pursuant to ISF Rule 5d., staff requests the Board to declare its intent to appropriate ISF water rights on the stream segments identified in the attached tables. Staff reviewed each proposed stream segment to ensure that for each ISF recommendation the data set is complete and standard methods and procedures were followed. In addition, staff completed its water availability analyses. Staff compiled sufficient information and performed the analyses necessary to provide a basis for the Board to declare its intent to appropriate water rights on these eight stream segments. These stream segments are located in Water Divisions 3, 4, 5, and 6, in Saguache, Montrose, Gunnison, Eagle, and Rio Blanco Counties.

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/2018ProposedISFRecommendations.aspx>



Natural Environment Studies

The Bureau of Land Management, Colorado Parks and Wildlife, High Country Conservation Advocates, and Western Resource Advocates conducted field surveys of the natural environment resources on these streams and found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the recommending entities collected biologic and hydraulic data and performed R2CROSS modeling on all segments. The CWCB staff 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 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 streamflow 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 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 some 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 recommending entities 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, the original R2Cross results, and evaluating the indicator species and other aspects of the natural environment, the recommending entities 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 2017 and contacted or met with the County Commissioners for each county where the stream segments are located. In addition, staff contacted water commissioners, local landowners, and others when possible to further discuss the recommendations.

Instream Flow Rule 5d.

Rule 5d. provides that the Board may declare its intent to appropriate ISF water rights after **reviewing Staff's recommendations for the proposed appropriations. Rule 5d. also sets forth** actions that staff must take after the Board declares its intent that initiate the public notice and comment procedure for the ISF appropriations. Specifically:

- 5d. **Board's Intent to Appropriate.** Notice of the Board's potential action to declare its intent to appropriate shall be given in the January Board meeting agenda and the Board will take public comment regarding its intent to appropriate at the January meeting.

- (1) After reviewing Staff's ISF recommendations for proposed ISF appropriations, the Board may declare its intent to appropriate specific ISF water rights. At that time, the **Board shall direct the Staff to publicly notice the Board's declaration of its intent to appropriate.**
- (2) After the Board declares its intent to appropriate, notice shall be published in a mailing to the ISF Subscription Mailing Lists for the relevant water divisions and shall include:
 - (a) A description of the appropriation (e.g. stream reach, flow amounts, etc.);
 - (b) Availability (time and place) for review of Summary Reports and Investigations Files for each recommendation; and,
 - (c) Summary identification of any data, exhibits, testimony or other information in addition to the Summary Reports and Investigations Files supporting the appropriation.
- (3) Published notice shall also contain the following information:
 - (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 31st, 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 30th, or the first business day thereafter.
 - (e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 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 Board meeting.
- (4) **After the Board declares its intent to appropriate, notice of the Board's action shall be mailed within five working days to the County Commissioners of the county(ies) in which the proposed reach is located.**
- (5) Final action by the Board on ISF appropriations will occur no earlier than the May Board Meeting.

Attachments



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 3



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
3		Miners Creek	Saguache	Saguache	headwaters in the vicinity of E: 361754.34 N: 4200135.10	confl Prong Creek at E: 367461.17 N: 4201747.81	4.35	0.56 (09/01 - 04/30) 1 (05/01 - 08/31)	
3		Prong Creek	Saguache	Saguache	headwaters in the vicinity of E: 364704.01 N: 4198791.92	confl South Carnero Creek at E: 368816.09 N: 4202053.13	3.71	0.4 (09/01 - 04/30) 4.2 (05/01 - 08/31)	

Totals for Water Division 3

Total # Appropriations = 2
Total # Appropriation Stream Miles = 8.1

Instream Flow Tabulation - Water Division 4

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
4		Coyote Wash	Upper Dolores	Montrose	Colorado/Utah Stateline at E: 145400.51 N: 4236977.92	confl Dolores River at E: 154771.65 N: 4238974.99	10.48	0.8 (09/01 - 02/29) 2.2 (03/01 - 08/31)	
4		Dutchman Creek	Tomichi	Saguache	headwaters in the vicinity of E: 369063.00 N: 4242474.76	confl Owens Creek at E: 368109.13 N: 4251307.88	6.78	0.94 (04/01 - 08/31) 0.84 (09/01 - 03/31)	

Totals for Water Division 4

Total # Appropriations = 2
Total # Appropriation Stream Miles = 17.3

Instream Flow Tabulation - Water Division 5

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
5	(increase)	Abrams Creek	Eagle	Eagle	headwaters in the vicinity of E: 339836.18 N: 4383025.55	Mrs. Paye Ditch hdgt at E: 343811.41 N: 4387351.32	3.95	0.75 (05/01 - 09/30)	

Totals for Water Division 5

Total # Appropriations = 1
Total # Appropriation Stream Miles = 4

Instream Flow Tabulation - Water Division 6

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
6		Douglas Creek	Lower White	Rio Blanco	confl E & W Douglas Creeks at E: 181274.73 N: 4418708.38	confl White River at E: 177669.10 N: 4444930.57	26.29	2.7 (03/16 - 06/15) 1.7 (06/16 - 06/30)	
6		Hahn Creek	Upper White	Rio Blanco	headwaters in the vicinity of E: 285101.12 N: 4445142.66	confl Lost Creek at E: 290147.03 N: 4441691.21	4.71	0.75 (11/01 - 04/30) 2.6 (05/01 - 08/31) 1.6 (09/01 - 10/31)	
6		Lost Creek	Upper White	Rio Blanco	confl Hahn Creek at E: 290147.03 N: 4441691.21	confl Long Park Creek at E: 289667.03 N: 4436992.17	3.64	1.3 (10/01 - 03/31) 2.3 (04/01 - 08/15) 1.8 (08/16 - 09/30)	

Totals for Water Division 6

Total # Appropriations = 3
Total # Appropriation Stream Miles = 34.6

Totals Divisions: 1 - 7

Total # Appropriations = 8
Total # Appropriation Stream Miles = 63.9



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Department of Natural Resources

1313 Sherman Street, Room 718, Denver, Colorado 80203
Phone: (303) 866-3441 * Fax: (303) 866-4474
www.cwcb.state.co.us

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) appropriations in 2018. At the January or March 2018 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate instream flow water rights for the streams listed on the attached ISF Recommendation List. The attached list contains a description of the Instream Flow Recommendations including water division, stream name, watershed, county, length, upper terminus, and lower terminus.

Copies of the ISF 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 ISF Recommendations are available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2018ProposedISFRecommendations.aspx>

In addition to the above ISF 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, 2018, 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, 2018.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2018 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 2018 Board meeting.

The schedule set forth in (d), (e), and (f) above will apply to streams on which the CWCB declares its intent to appropriate water rights in January 2018. A different schedule will apply to streams on which the CWCB declares its intent to appropriate water rights in March 2018. Should you wish to comment on any proposed ISF Recommendations, you may do so by writing Jeff Baessler or Rob Viehl 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 2018

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
3	Miners Creek	Saguache	Saguache	4.35	Headwaters	Confl. Prong Creek
3	Prong Creek	Saguache	Saguache	3.71	Headwaters	Confl. South Carnero Creek
4	Coyote Wash	Upper Dolores	Montrose	10.5	Colorado/Utah Stateline	Confl. Dolores River
4	Dutchman Creek	Tomichi	Saguache	6.78	Headwaters	Confl. Owens Creek
4	Spring Creek	San Miguel	Montrose	12.4	Headwaters	Confl. Tabeguache Creek
5	Abrams Creek (Increase)	Eagle	Eagle	3.95	Headwaters	Mrs. Paye Ditch hdgt
6	Douglas Creek	Lower White	Rio Blanco	26.3	Confl. E. & W. Douglas Creeks	Confl. White River
6	Hahn Creek	Upper White	Rio Blanco	4.71	Headwaters	Confl. Lost Creek
6	Lost Creek	Upper White	Rio Blanco	3.64	Confl. Hahn Creek	Confl. Long Park Creek
6	Lost Creek (Increase)	Upper White	Rio Blanco	0.83	Confl. Long Park Creek	Confl. NF White River
7	Disappointment Creek	Upper Dolores	Dolores	21.7	Confl. Morrison Creek	Historic USGS Gage
7	Disappointment Creek	Upper Dolores	Dolores San Miguel	37.8	Historic USGS Gage	Confl. Dolores River
7	Ricon La Vaca Creek	Upper San Juan	Hinsdale	4.47	Headwaters	Confl. Los Pinos River

Instream Flow Recommendations March 2018

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
7	Himes Creek	Upper San Juan	Mineral	2.01	Headwaters	Himes Ditch Hdgt.

**COLORADO****Colorado Water
Conservation Board**

Department of Natural Resources

1313 Sherman Street
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John Hickenlooper, Governor

Robert Randall, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM: Rob Viehl, Water Resource Specialist
Jeff Baessler, Deputy Section Chief

DATE: November 2, 2017

AGENDA ITEM: 11. Notice of 2018 Instream Flow Recommended Appropriations
in Water Divisions 3, 4, 5, 6 and 7

Background:

Pursuant to Instream Flow ("ISF") Rule 5c., the Colorado Water Conservation Board is providing notice that the following 14 stream segments are being considered for ISF appropriations in 2018. At the January 2018 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on some or all of the streams listed in Table 1. In addition, at the March 2018 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on the stream listed in Table 2. All of these streams were previously noticed at the Board's March 2017 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 2018 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 2018

Div	Stream	Recommending Entity	County	Length (miles)
3	Miners Creek (Headwaters to confl. Prong Creek)	CPW	Saguache	4.35
3	Prong Creek (Headwaters to confl. South Carnero Creek)	CPW	Saguache	3.71
4	Coyote Wash (Colorado/Utah Stateline to confl. Dolores River)	BLM	Montrose	10.5
4	Dutchman Creek (Headwaters to confl. Owens Creek)	HCCA & WRA	Saguache	6.78
4	Spring Creek (Headwaters to confl. Tabeguache Creek)	BLM	Montrose	12.4
5	Abrams Creek (Increase) (Headwaters to Mrs. Paye Ditch hdgt.)	BLM	Eagle	3.95
6	Douglas Creek (Confl. East & West Douglas Creeks to confl. White River)	BLM	Rio Blanco	26.3



6	Hahn Creek (Headwaters to confl. Lost Creek)	CPW	Rio Blanco	4.71
6	Lost Creek (Confl. Hahn Creek to confl. Long Park Creek)	CPW	Rio Blanco	3.64
6	Lost Creek (Increase) (Confl. Long Park Creek to confl. NF White River)	CPW	Rio Blanco	0.83
7	Disappointment Creek (Confl. Morrison Creek to historic USGS gage)	BLM	Dolores	21.7
7	Disappointment Creek (Historic USGS Gage to confl. Dolores River)	BLM	Dolores San Miguel	37.8
7	Rincon La Vaca Creek (Headwaters to confl. Los Pinos River)	CPW	Hinsdale	4.47

Table 2: Instream Flow Recommendations March 2018

Div	Stream	Recommending Entity	County	Length (miles)
7	Himes Creek (Headwaters to Himes Ditch hdgt.)	USFS	Mineral	2.01

BLM = Bureau of Land Management; CPW = Colorado Parks and Wildlife; HCCA = High Country Conservation Advocates; USFS = U.S. Forest Service; WRA = Western Resource Advocates

The detailed recommendations and appendices for these streams can be found on the CWCB website at: <http://cwc.state.co.us/environment/instream-flow-program/Pages/2018ProposedISFRecommendations.aspx>





COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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Denver, CO 80203

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John Hickenlooper, Governor

Bob Randall, DNR Interim Executive Director

James Eklund, CWCB Director

Memorandum

To: ISF Subscription Mailing List

Date: March 20, 2017

Subject: Proposed 2018 Instream Flow 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) appropriations in 2018. At the January 2018 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate ISF water rights for the streams listed on the attached ISF Recommendations List. The attached list describes 43 new recommendations (identified with an *) that were received in January 2017 and 22 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 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://cwc.state.co.us/environment/instream-flow-program/Pages/2018ProposedISFRecommendations.aspx>

In addition to the above ISF 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 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.

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(d) Any Notice to Contest must be received at the Board office no later than March 31, 2018, 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, 2018 or the first business day thereafter.



(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2018 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 2018 Board meeting.

Comments on the proposed ISF 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	Upper Terminus	Lower Terminus
1	Cache la Poudre River	Cache La Poudre	Larimer	Outfall of Watson Fish Hatchery	Box Elder Ditch Hdgt.
1	Coal Creek	St. Vrain	Boulder	Boundary of Boulder County Open Space	Confl. Wastewater Treatment Outfall
1	Coal Creek	St. Vrain	Boulder	Confl. Wastewater Treatment Outfall	Confl. Lafayette Pumping Station no. 2
1	Indian Creek	Upper South Platte	Park	Headwaters	Confl. Willow Gulch
1	McCurdy Creek	Upper South Platte	Park	Headwaters	Confl. Lost Creek
1	Mill Creek*	Cache La Poudre	Larimer	Headwaters	Confl. Horsetooth Reservoir
1	North Fork Little Thompson River*	Big Thompson	Larimer	Headwaters	Confl. Little Thompson River
1	Platte Gulch	South Platte Headwaters	Park	Headwaters	Confl. MF South Platte River
1	Spring Canyon*	Cache La Poudre	Larimer	Headwaters	Confl. Horsetooth Reservoir
1	Sulzer Gulch*	Big Thompson	Larimer	Headwaters	Confl. Big Thompson River
1	Unnamed Tributary to Duck Creek	Upper South Platte	Clear Creek	Outlet of Lower Square Top Lake	Inlet of Duck Lake

Div	Stream	Watershed	County	Upper Terminus	Lower Terminus
2	Arkansas River	Upper Arkansas	Pueblo	Outfall of Fish Hatchery	Confl. Fountain Creek
2	Baker Creek	Huerfano	Huerfano	Headwaters	USFS Property Boundary
2	Beaver Creek	Upper Arkansas	Fremont	Confl. East Beaver Creek	Confl. unnamed tributary
2	Bonnett Creek	Huerfano	Huerfano	Headwaters	USFS Property Boundary
2	Cucharas River*	Huerfano	Huerfano	Highway 12 Bridge	Confl. Middle Creek
2	Cucharas River*	Huerfano	Huerfano	Confl. Middle Creek	Confl. Wahatoya Creek
2	Indian Creek*	Huerfano	Huerfano	Headwaters	Confl. Middle Creek
2	Wahatoya Creek*	Huerfano	Huerfano	Headwaters	Confl. Cucharas River
2	West Beaver Creek	Upper Arkansas	Fremont Teller	Confl. Douglas Gulch	Confl. East Beaver Creek
3	Grayback Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Placer Creek
3	Little Ute Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Ute Creek
3	Middle Fork Placer Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Placer Creek
3	Miners Creek*	Saguache	Saguache	Headwaters	Confl. Prong Creek
3	North Fork West Indian Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. SF West Indian Creek
3	Placer Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Sangre de Cristo Creek
3	Prong Creek*	Saguache	Saguache	Headwaters	Confl. South Carnero Creek
3	South Fork Jim Creek*	Alamosa-Trinchera	Conejos	Headwaters	Confl. Jim Creek
3	South Fork Placer Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Middle Fork Placer Creek
3	South Fork West Indian Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. NF West Indian Creek

Div	Stream	Watershed	County	Upper Terminus	Lower Terminus
3	Ute Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Little Ute Creek
3	Ute Creek*	Alamosa-Trinchera	Costilla	Confl. Little Ute Creek	Confl. Sangre de Cristo Creek
3	Wagon Creek*	Alamosa-Trinchera	Costilla	Headwaters	Confl. Sangre de Cristo Creek
3	West Indian Creek*	Alamosa-Trinchera	Costilla	Confl. NF & SF West Indian Creek	Confl. Sangre de Cristo Creek
4	Cow Creek	Uncompahgre	Ouray	USFS Property Boundary	Confl. Uncompahgre River
4	Coyote Wash*	Upper Dolores	Montrose	Colorado/Utah Stateline	Confl. Dolores River
4	Dutchman Creek*	Tomichi	Saguache	Headwaters	Confl. Owens Creek
4	Kelso Creek	Lower Gunnison	Mesa	Headwaters	Confl. Bear Gulch
4	Little Cimarron River (Increase)	Upper Gunnison	Gunnison	Confl. Van Boxel Creek	Butte Ditch Hdgt.
4	Little Cimarron River	Upper Gunnison	Gunnison Montrose	Butte Ditch Hdgt.	Confl. Cimarron River
4	Monitor Creek*	Lower Gunnison	Montrose	USFS Property Boundary	Confl. Potter Creek
4	Potter Creek* (Increase)	Lower Gunnison	Montrose	USFS Property Boundary	Confl. Roubideau Creek
4	Spring Creek*	San Miguel	Montrose	Headwaters	Confl. Tabeguache Creek
5	Abrams Creek (Increase)	Eagle	Eagle	Headwaters	Mrs. Paye Ditch Hdgt.
6	Douglas Creek*	Lower White	Rio Blanco	Confl. E. & W. Douglas Creeks	Confl. White River
6	Hahn Creek*	Upper White	Rio Blanco	Headwaters	Confl. Lost Creek
6	Long Park Creek*	Upper White	Rio Blanco	Headwaters	Confl. Lost Creek
6	Lost Creek*	Upper White	Rio Blanco	Headwaters	Confl. Hahn Creek

Div	Stream	Watershed	County	Upper Terminus	Lower Terminus
6	Lost Creek*	Upper White	Rio Blanco	Confl. Hahn Creek	Confl. Long Park Creek
6	Marvine Creek*	Upper White	Rio Blanco	Flat Tops Wilderness Area Boundary	Confl. West Marvine Creek
6	Milk Creek*	Lower Yampa	Moffat	Confl. Wilson Creek	Confl. Yampa River
6	North Fork White River*	Upper White	Rio Blanco	Flat Tops Wilderness Area Boundary	Confl. Ripple Creek
6	Piceance Creek	Piceance-Yellow	Garfield Rio Blanco	Headwaters	Confl. Unnamed Tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	Confl. Unnamed Tributary	Confl. Cow Creek
6	South Fork White River*	Upper White	Rio Blanco	Flat Tops Wilderness Area Boundary	Confl. Swede Creek
6	West Marvine Creek*	Upper White	Rio Blanco	Headwaters	Confl. Marvine Creek
7	Disappointment Creek*	Upper Dolores	Dolores San Miguel	Confl. Morrison Creek	Confl. Dolores River
7	Himes Creek	Upper San Juan	Mineral	Headwaters	Himes Ditch Hdgt.
7	Little Taylor Creek*	Upper Dolores	Montezuma	Headwaters	Confl. Taylor Creek
7	Rincon La Vaca Creek*	Upper San Juan	Hinsdale	Headwaters	Confl. Los Pinos River
7	Rio Lado	Upper Dolores	Montezuma	Headwaters	Confl. Dolores River
7	Ryman Creek*	Upper Dolores	Montezuma	Headwaters	Confl. Dolores River
7	Tenderfoot Creek*	Upper Dolores	Montezuma	Headwaters	Confl. Dolores River
7	Vallecito Creek	Upper San Juan	La Plata San Juan	Outlet of Vallecito Lake	Weminuche Wilderness Area Boundary
7	Wildcat Creek* (Increase)	Upper Dolores	Dolores Montezuma	Headwaters	Confl. Dolores River

* Recommendation received in 2017.