



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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John Hickenlooper, Governor

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TO: Colorado Water Conservation Board Members

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

DATE: May 17, 2017

AGENDA ITEM: 14. Uncontested 2017 Instream Flow and Natural Lake Level
Appropriations in Water Divisions 1, 2, 4, 5 and 6

Background

On January 24, 2017, the CWCB formed its intent to appropriate instream flow ("ISF") and Natural Lake Level (NLL) water rights on 13 stream segments and two lakes in Water Divisions 1, 2, 4, 5 and 6. The Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW), Park County, High Country Conservation Advocates, and American Rivers recommended these streams and lakes for inclusion into the CWCB's Instream Flow and Natural Lake Level Program. Pursuant to ISF Rule 5h., the 15 uncontested stream segments and lakes described on the attached tables are being recommended to the Board for Final Action.

On the Elkhead Creek segment in Water Division 6 that extends from the confluence of North Fork Elkhead Creek to USGS Gage #09246200, Staff and the Attorney General's office negotiated terms and conditions with the Colorado River Water Conservation District (CRWCD), Tri-State Generation and Transmission Association Inc. (Tri-State) and the City of Craig to address concerns regarding the lower terminus of the segment. The lower terminus as originally proposed by Colorado Parks and Wildlife extended to the high water mark of the existing Elkhead Reservoir. The stakeholders were concerned that this location would potentially interfere with the water rights in Elkhead Reservoir and/or a future expansion of the reservoir. Staff and CPW negotiated a new location for the lower terminus at USGS Gage #09246200, which is located upstream of the proposed high water mark of a contemplated expansion of the existing Elkhead Reservoir. In addition, staff agreed to include a term and condition indicating that potential temporary inundation that may occur due to flood-surge of the existing or contemplated expansion of Elkhead Reservoir would not constitute injury and that the ISF right will still preserve the natural environment to a reasonable degree.

The Board's approval of the Staff's recommendation, as presented here and in the attached stipulation, would resolve concerns expressed by the CRWCD, Tri-State and the City of Craig on this segment of Elkhead Creek.



Technical Investigations

The Board was provided detailed information regarding all field data, studies and analyses for each stream segment at its January 24, 2017 Board meeting.

Natural Environment Studies

The recommending entities conducted field surveys on these streams and lakes and found natural environments that can be preserved to a reasonable degree. To quantify the resources and to evaluate instream flow and lake level 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 and lakes.

Water Availability Studies

The CWCB staff has conducted evaluations of water availability for these streams and lakes. 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 and lake 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 January 24, 2017 Board meeting.

(1) Determine, pursuant to section 37-92-102(3), C.R.S. (2016), and based upon the recommendations of BLM, CPW, Park County, High Country Conservation Advocates, and American Rivers 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 and Natural Lake Level 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 January 24, 2017 as the appropriation date for these water rights.

(3) Approve the stipulation with the CRWCD, Tri-State, and the City of Craig and direct staff to request the Attorney General's Office to file water rights applications for each of the appropriations identified in the attached tables; and include the terms and conditions contained in the stipulation with the CRWCD, Tri-State, and the City of Craig in the water court application and decree for the Elkhead Creek segment that extends from the confluence of North Fork Elkhead Creek to USGS Gage #09246200.

Attachments



Colorado Water Conservation Board

Instream Flow Tabulation - Streams

Water Division 1



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
1		Rock Creek	South Platte Headwaters	Park	headwaters in the vicinity of E: 442888.09 N: 4363476.91	confl natural falls at E: 441520.48 N: 4357224.26	4.66	0.9 (09/01 - 04/30) 3.8 (05/01 - 08/31)	01/24/2017
1		Unnamed Tributary to Rough & Tumbling Creek	South Platte Headwaters	Park	headwaters in the vicinity of E: 401245.59 N: 4318074.94	confl Rough & Tumbling Creek at E: 403468.05 N: 4321559.19	2.78	0.3 (01/01 - 12/31)	01/24/2017

Totals for Water Division 1

Total # Appropriations = 2
Total # Appropriation Stream Miles = 7.4

Instream Flow Tabulation - Water Division 2

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
2		Apishapa River	Apishapa	Las Animas	headwaters in the vicinity of E: 498440.80 N: 4134067.69	confl Herlick Canyon at E: 504368.80 N: 4131036.76	4.52	0.5 (09/01 - 04/30) 2.9 (05/01 - 06/30) 1.1 (07/01 - 08/31)	01/24/2017

Totals for Water Division 2

Total # Appropriations = 1
Total # Appropriation Stream Miles = 4.5

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	(increase)	Brush Creek	East-Taylor	Gunnison	confl Middle & East Brush Creeks at E: 339317.46 N: 4308647.90	confl West Brush Creek at E: 336872.42 N: 4307385.91	2.32	1.7 (01/01 - 04/14) 11 (04/15 - 04/30) 8 (05/01 - 08/31) 5 (09/01 - 09/30) 8 (10/01 - 10/15) 2.7 (10/16 - 12/31)	01/24/2017
4	(increase)	Coal Creek	East-Taylor	Gunnison	headwaters in the vicinity of E: 317839.25 N: 4304958.01	Spann Nettick Ditch hdgt at E: 326937.36 N: 4304124.83	7.67	1.3 (01/01 - 03/31) 5.9 (04/01 - 08/15) 3.7 (08/16 - 11/30) 2 (12/01 - 12/31)	01/24/2017
4		West Fork Terror Creek	North Fork Gunnison	Delta	headwaters in the vicinity of E: 268584.11 N: 4317217.31	confl East Fork Terror Creek at E: 276880.59 N: 4314191.79	5.85	1.1 (07/16 - 03/31) 2.2 (04/01 - 07/15)	01/24/2017

Totals for Water Division 4

**Total # Appropriations = 3
Total # Appropriation Stream Miles = 15.8**

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		Dry Fork Roan Creek	Parachute-Roan	Garfield	confl S Dry Fork & N Dry Fork at E: 210728.25 N: 4364215.13	Omundson & Frost Ditch Hdgt at E: 213772.70 N: 4363665.66	2.54	0.2 (08/16 - 04/30) 0.5 (05/01 - 08/15)	01/24/2017
5	(increase)	Piney River	Colorado Headwaters	Eagle	confl Grape Creek at E: 366932.04 N: 4405229.97	confl Colorado River at E: 359556.85 N: 4412971.89	7.83	4 (12/01 - 03/31) 16 (04/01 - 04/30) 55 (05/01 - 07/15) 16 (07/16 - 08/15) 8 (08/16 - 11/30)	01/24/2017

Totals for Water Division 5

Total # Appropriations = 2
Total # Appropriation Stream Miles = 10.4

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		Elkhead Creek	Upper Yampa	Routt	confl First Creek at E: 317014.14 N: 4511465.47	confl NF Elkhead Creek at E: 306665.08 N: 4504451.45	10.94	4.4 (10/16 - 03/31) 14 (04/01 - 07/15) 7 (07/16 - 07/31) 3 (08/01 - 10/15)	01/24/2017
6		Elkhead Creek	Upper Yampa	Routt	confl NF Elkhead Creek at E: 306665.08 N: 4504451.45	USGS Gage # 09246200 at E: 303600.63 N: 4496025.75	15.83	6.4 (10/01 - 02/29) 10 (03/01 - 03/15) 24 (03/16 - 06/30) 10 (07/01 - 07/15) 2.5 (07/16 - 09/30)	01/24/2017
6		Fourmile Creek	Little Snake	Moffat	headwaters in the vicinity of E: 296207.17 N: 4520769.45	Norma Ryan Ditch hdgt at E: 292918.30 N: 4523918.74	3.13	0.41 (08/01 - 03/31) 1.3 (04/01 - 04/30) 3.8 (05/01 - 06/30) 0.97 (07/01 - 07/31)	01/24/2017
6		North Fork Elkhead Creek	Upper Yampa	Routt	headwaters in the vicinity of E: 310855.20 N: 4515748.48	confl Elkhead Creek E: 306665.08 N: 4504451.45	9.39	1.8 (12/01 - 03/31) 5.4 (04/01 - 06/30) 1.2 (07/01 - 07/31) 0.57 (08/01 - 09/17) 1.4 (09/18 - 11/30)	01/24/2017
6		Slater Creek	Little Snake	Moffat	confl Beaver Creek at E: 303385.46 N: 4529487.44	USGS Gage # 09255000 at E: 299527.79 N: 4539540.79	12.58	16 (10/16 - 03/15) 25 (03/16 - 04/15) 74 (04/16 - 06/30) 25 (07/01 - 07/15) 10 (07/16 - 07/31) 6.5 (08/01 - 09/15) 8.5 (09/16 - 10/15)	01/24/2017

Totals for Water Division 6

**Total # Appropriations = 5
Total # Appropriation Stream Miles = 51.9**

Totals Divisions: 1,2,3,4,5,6

**Total # Appropriations = 13
Total # Appropriation Stream Miles = 90**

Natural Lake Tabulation Water Division 1

Water Court Div	Case Number	Name of Lake	Watershed	County	Lake Centerpoint (UTM)	Surface Acres	Elevation (ft)	Volume (AF)	Approp Date
1		Square Top Lake (Lower)	Upper South Platte	Clear Creek	E: 436440.44 N: 4382623.44	7.0	12,084	26.79	1/24/2017
1		Square Top Lake (Upper)	Upper South Platte	Clear Creek	E: 436057.06 N: 4382782.46	7.6	12,322	113.14	1/24/2017

Number of Lakes with filings in Water Division 1: 2

**BEFORE THE COLORADO WATER CONSERVATION BOARD
STATE OF COLORADO**

**STIPULATION AND AGREEMENT BETWEEN THE COLORADO WATER
CONSERVATION BOARD, THE COLORADO RIVER WATER CONSERVATION
DISTRICT, ACTING BY AND THROUGH ITS COLORADO RIVER WATER
PROJECTS ENTERPRISE, THE CITY OF CRAIG, AND TRI-STATE GENERATION
AND TRANSMISSION ASSOCIATION, INC.**

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER
DIVISION 6: ELKHEAD CREEK (LOWER)**

The Colorado River Water Conservation District, acting by and through its Colorado River Water Projects Enterprise (“River District”), the City of Craig (“Craig”), Tri-State Generation and Transmission Association, Inc. (“Tri-State”) and the Colorado Water Conservation Board (“CWCB”), by and through their respective counsel, hereby stipulate and agree as follows:

1. The staff of the CWCB has recommended a proposed instream flow water right appropriation for Elkhead Creek with an upper terminus located at the confluence of the North Fork of Elkhead Creek and the lower terminus at the USGS Gage #09246200, also known as the Long Gulch gage (“Lower Elkhead Creek ISF”), Water Division 6.
2. The River District, Craig, and Tri-State hold water rights and storage interests in Elkhead Creek Reservoir located downstream of the lower terminus of the proposed Lower Elkhead Creek ISF.
3. The CWCB agrees to include in its final notice of intent to appropriate and the application filed with the water court to adjudicate the Lower Elkhead Creek ISF the following as terms and conditions to be included in any decree entered by the water court, and will include as terms and conditions in any decree entered by the water court for the Lower Elkhead Creek ISF:
 - a. The CWCB has determined that the natural environment will be preserved to a reasonable degree by ensuring that the lower terminus of the Lower Elkhead Creek ISF is located at the location of the Long Gulch gage existing as of the date of this Agreement. This location is above the ordinary high water mark of the existing Elkhead Creek Reservoir as well as the ordinary high water mark of a contemplated expansion of Elkhead Creek Reservoir, and will therefore not impair the ability of the River District, Craig, and/or Tri-State to expand the Elkhead Creek Reservoir or to use it for flood control purposes.

- b. Pursuant to the CWCB's *Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, Rule 7.*, the CWCB "may file a Statement of Opposition to inundations if it determines that the ISF right or the natural environment will be adversely affected by the inundation. (Emphasis added). The CWCB has determined, and this Court finds, that the proposed Lower Elkhead Creek ISF water right will not be injured and that the natural environment will be preserved to a reasonable degree notwithstanding any potential inundation that may occur due to flood-surge from Elkhead Creek Reservoir or flood-surge from a contemplated expansion. Such potential inundation does not constitute injury because the natural environment will only be inundated temporarily during the flood event.
 - c. The CWCB is hereby exercising its discretion under section 37-92-102(4)(a), C.R.S. (2016) to "adopt conditions attached to an appropriation" and to "enter into stipulations for decrees or other forms of contractual agreements, including enforcement agreements, that it determines will preserve the natural environment to a reasonable degree."
4. In consideration of the mutual promises contained herein the River District, Craig, and Tri-State agree not to oppose any water court proceeding to adjudicate the Lower Elkhead Creek ISF. Provided, however, the River District, Craig, and Tri-State reserve the right to file a statement of opposition in any water court adjudication to ensure that the CWCB remains in compliance with the terms and conditions agreed upon by the parties.
 5. This stipulation shall be binding upon and inure to the benefit of the parties, their successors and assigns.
 6. The parties shall each bear their own attorneys' fees and costs associated with this matter.
 7. CWCB shall provide counsel of the River District, Craig, and Tri-State copies of its application to confirm a water right for the Lower Elkhead Creek ISF and any proposed rulings or decrees that are submitted by the CWCB to the water referee or water court, as applicable. CWCB shall also provide said counsel with any Report of the Division Engineer issued in such case.
 8. This stipulation and agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

Stipulated and agreed to this _____ day of _____, 2017.

[Signatures on following page]

COLORADO RIVER WATER
CONSERVATION DISTRICT, acting by
and through its Colorado River Water
Projects Enterprise

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Bob Randall, DNR Interim Executive Director

James Eklund, CWCB Director

TO: Colorado Water Conservation Board Members

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

DATE: March 10, 2017

AGENDA ITEM: 19. Public Comment on 2017 Instream Flow and Natural Lake Level Appropriations in Water Divisions 1, 2, 4, 5, and 6

Background

At its January 24, 2017 meeting, the Board declared its intent to appropriate 13 instream flow (ISF) and 2 natural lake Level (NLL) water rights. The purpose of this agenda item is to provide notice to the public for these 15 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 and natural lakes 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 and NLL appropriations must file a Notice to Contest with the Board, pursuant to ISF Rule 5k., by March 31, 2017. Staff will ask the Board to take final action on all uncontested ISF and NLL appropriations at its May 2017 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)
1	Rock Creek	South Platte Headwaters	Park	4.66	headwaters	confl. natural falls	0.9 (09/01 - 04/30) 3.8 (05/01 - 08/31)



Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
1	Unnamed Tributary to Rough & Tumbling Creek	South Platte Headwaters	Park	2.78	headwaters	confl. Rough & Tumbling Creek	0.3 (01/01 - 12/31)
2	Apishapa River	Apishapa	Las Animas	4.52	headwaters	confl. Herlick Canyon	0.5 (09/01 - 04/30) 2.9 (05/01 - 06/30) 1.1 (07/01 - 08/31)
4	Brush Creek (Increase)	East-Taylor	Gunnison	2.32	confl. Middle & East Brush Creeks	confl. West Brush Creek	1.7 (01/01 - 04/14) 11 (04/15 - 04/30) 8 (05/01 - 08/31) 5 (09/01 - 09/30) 8 (10/01 - 10/15) 2.7 (10/16 - 12/31)
4	Coal Creek (Increase)	East-Taylor	Gunnison	7.67	headwaters	Spann Nettick Ditch hdgt	1.3 (01/01 - 03/31) 5.9 (04/01 - 08/15) 3.7 (08/16 - 11/30) 2 (12/01 - 12/31)
4	West Fork Terror Creek	North Fork Gunnison	Delta	5.85	headwaters	confl. East Fork Terror Creek	1.1 (07/16 - 03/31) 2.2 (04/01 - 07/15)
5	Dry Fork Roan Creek	Parachute-Roan	Garfield	2.54	confl. S Dry Fork & N Dry Fork	Omundson & Frost Ditch Hdgt	0.2 (08/16 - 04/30) 0.5 (05/01 - 08/15)
5	Piney River (Increase)	Colorado Headwaters	Eagle	7.83	confl. Grape Creek	confl. Colorado River	4 (12/01 - 03/31) 16 (04/01 - 04/30) 55 (05/01 - 07/15) 16 (07/16 - 08/15) 8 (08/16 - 11/30)
6	Elkhead Creek	Upper Yampa	Routt	10.9	confl. First Creek	confl. NF Elkhead Creek	4.4 (10/16 - 03/31) 14 (04/01 - 07/15) 7 (07/16 - 07/31) 3 (08/01 - 10/15)
6	Elkhead Creek	Upper Yampa	Routt	15.8	confl. NF Elkhead Creek	USGS Gage # 09246200	6.4 (10/01 - 02/29) 10 (03/01 - 03/15) 24 (03/16 - 06/30) 10 (07/01 - 07/15) 2.5 (07/16 - 09/30)
6	Fourmile Creek	Little Snake	Moffat	3.13	headwaters	Norma Ryan Ditch hdgt	0.41 (08/01 - 03/31) 1.3 (04/01 - 04/30) 3.8 (05/01 - 06/30) 0.97 (07/01 - 07/31)
6	North Fork Elkhead Creek	Upper Yampa	Routt	9.39	headwaters	confl. Elkhead Creek	1.8 (12/01 - 03/31) 5.4 (04/01 - 06/30) 1.2 (07/01 - 07/31) 0.57 (08/01 - 09/17) 1.4 (09/18 - 11/30)
6	Slater Creek	Little Snake	Moffat	12.6	confl. Beaver Creek	USGS Gage # 09255000	16 (10/16 - 03/15) 25 (03/16 - 04/15) 74 (04/16 - 06/30) 25 (07/01 - 07/15) 10 (07/16 - 07/31) 6.5 (08/01 - 09/15) 8.5 (09/16 - 10/15)

Natural Lake Level Recommendations

Div	Lake	Watershed	County	Location*	Elevation (ft)	Volume (Acre Feet)
1	Square Top Lake (Upper)	Upper South Platte	Clear Creek	UTM-East: 436057.06 UTM-North: 4382782.46	12,322	113
1	Square Top Lake (Lower)	Upper South Platte	Clear Creek	UTM-East: 436440.44 UTM-North: 4382623.44	12,084	26.8

*All UTM's NAD 1983 Zone 13 North

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John Hickenlooper, Governor

Robert Randall, DNR Executive Director

James Eklund, CWCB Director

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



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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 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



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Robert Randall, DNR Executive Director

James Eklund, CWCB Director

TO: Colorado Water Conservation Board Members

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

DATE: January 23, 2017

AGENDA ITEM: **24. Instream Flow and Natural Lake Level
Appropriations in Water Divisions 1, 2, 4, 5 and 6**

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 and natural lake level 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 and lake recommendation with appendices of the supporting scientific data, which provides the technical basis for each appropriation, was provided to the Board separately.

Staff Recommendation

Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an instream flow (ISF) water right on each stream segment listed and a natural lake level (NLL) water right for each lake listed on the attached Tabulation of Instream Flow and Natural Lake Level 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 and NLL water rights on the stream segments and lakes identified in the attached tables. Staff has reviewed each proposed stream segment and lake to ensure that for each ISF and NLL recommendation, the data set is complete and standard methods and procedures were followed. In addition, staff has completed its water availability analyses. Staff has identified 13 stream segments and two natural lakes in Water Divisions 1, 2, 4, 5 and 6, and has 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 streams and lakes. These stream segments and natural lakes are located in Park, Las Animas, Gunnison, Delta, Eagle, Garfield, Routt and Moffat Counties.

Technical Investigations

Staff's executive summary and technical analysis of each stream and lake 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 Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW), High Country Conservation Advocates, and American Rivers have conducted field surveys of the natural environment resources on these streams and lakes and have 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 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 and Natural Lake Level Recommendations.

Water Availability Studies

Staff has conducted an evaluation of water availability for the streams and lakes 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. To determine water availability for the lakes, staff reviewed hydrology, and analyzed maps and aerial photos to assess the long-term persistence of the lakes. 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 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 2016 and contacted or met with the County Commissioners for each county where the stream segments are located. In addition, staff contacted water commissioners, local land owners, 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 and NLL water rights after reviewing Staff's recommendations for the proposed appropriations. Rule 5d. also sets forth the activities that take place 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, lake location, 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.

Attachments



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 1



Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
1		Rock Creek	South Platte Headwaters	Park	headwaters in the vicinity of E: 442888.09 N: 4363476.91	confl natural falls at E: 441520.48 N: 4357224.26	4.66	0.9 (09/01 - 04/30) 3.8 (05/01 - 08/31)	
1		Unnamed Tributary to Rough & Tumbling Creek	South Platte Headwaters	Park	headwaters in the vicinity of E: 401245.59 N: 4318074.94	confl Rough & Tumbling Creek at E: 403468.05 N: 4321559.19	2.78	0.3 (01/01 - 12/31)	

Totals for Water Division 1

Total # of Stream Miles = 7.44
Total # of Appropriations = 2

Instream Flow Tabulation - Water Division 2

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
2		Apishapa River	Apishapa	Las Animas	headwaters in the vicinity of E: 498440.80 N: 4134067.69	confl Herlick Canyon at E: 504368.80 N: 4131036.76	4.52	2.9 (05/01 - 06/30) 1.1 (07/01 - 08/31) 0.5 (09/01 - 04/30)	

Totals for Water Division 2	Total # of Stream Miles = 4.52 Total # of Appropriations = 1
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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		Brush Creek (increase)	East-Taylor	Gunnison	confl Middle & East Brush Creeks at E: 339317.46 N: 4308647.90	confl West Brush Creek E: 336872.42 N: 4307385.91	2.32	1.7 (01/01 - 04/14) 2.7 (10/16 - 12/31) 11 (04/15 - 04/30) 8 (05/01 - 08/31) 5 (09/01 - 09/30) 8 (10/01 - 10/15)	
4		Coal Creek (increase)	East-Taylor	Gunnison	Lake Irwin Outlet at E: 317839.25 N: 4304958.01	Spann Nettick Ditch hdgt at E: 326937.36 N: 4304124.83	7.67	1.3 (01/01 - 03/31) 5.9 (04/01 - 08/15) 3.7 (08/16 - 11/30) 2 (12/01 - 12/31)	
4		West Fork Terror Creek	North Fork Gunnison	Delta	headwaters in the vicinity of E: 268584.11 N: 4317217.31	confl East Fork Terror Creek at E: 276880.59 N: 4314191.79	5.85	2.2 (04/01 - 07/15) 1.1 (07/16 - 03/31)	

Totals for Water Division 4

Total # of Stream Miles = 15.84
Total # of Appropriations = 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		Dry Fork Roan Creek	Parachute-Roan	Garfield	confl S Dry Fork & N Dry Fork at E: 210728.25 N: 4364215.13	Omundson & Frost Ditch hdgt at E: 213772.70 N: 4363665.66	2.54	0.5 (05/01 - 08/15) 0.2 (08/16 - 04/30)	
5		Piney River (increase)	Colorado Headwaters	Eagle	confl Grape Creek at E: 366932.04 N: 4405229.97	confl Colorado River at E: 359556.85 N: 4412971.89	7.83	55 (05/01 - 07/15) 16 (07/16 - 08/15) 4 (12/01 - 03/31) 16 (04/01 - 04/30) 8 (08/16 - 11/30)	

Totals for Water Division 5	Total # of Stream Miles = 10.37 Total # of Appropriations = 2
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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		Elkhead Creek	Upper Yampa	Routt	confl First Creek at E: 317014.13 N: 4511465.47	confl NF Elkhead Creek at E: 306665.08 N: 4504451.45	10.94	4.4 (10/16 - 03/31) 14 (04/01 - 07/15) 7 (07/16 - 07/31) 3 (08/01 - 10/15)	
6		Elkhead Creek	Upper Yampa	Routt	confl NF Elkhead Creek at E: 306665.08 N: 4504451.45	USGS Gage # 09246200 at E: 303600.63 N: 4496025.75	15.83	6.4 (10/01 - 02/29) 10 (03/01 - 03/15) 24 (03/16 - 06/30) 10 (07/01 - 07/15) 2.5 (07/16 - 09/30)	
6		Fourmile Creek	Little Snake	Moffat	headwaters in the vicinity of E: 296207.17 N: 4520769.45	Norma Ryan Ditch hdgt at E: 292918.30 N: 4523918.74	3.13	3.8 (05/01 - 06/30) 1.3 (04/01 - 04/30) 0.97 (07/01 - 07/31) 0.41 (08/01 - 03/31)	
6		North Fork Elkhead Creek	Upper Yampa	Routt	headwaters in the vicinity of E: 310855.20 N: 4515748.48	confl Elkhead Creek at E: 306665.08 N: 4504451.45	9.39	1.8 (12/01 - 03/31) 5.4 (04/01 - 06/30) 1.2 (07/01 - 07/31) 0.57 (08/01 - 09/17) 1.4 (09/18 - 11/30)	
6		Slater Creek	Little Snake	Moffat	confl Beaver Creek at E: 303385.46 N: 4529487.44	USGS Gage # 09255000 at E: 299527.79 N: 4539540.79	12.58	74 (04/16 - 06/30) 25 (07/01 - 07/15) 10 (07/16 - 07/31) 6.5 (08/01 - 09/15) 8.5 (09/16 - 10/15) 16 (10/16 - 03/15) 25 (03/16 - 04/15)	

Totals for Water Division 6

**Total # of Stream Miles = 51.87
Total # of Appropriations = 5**

Totals for Divisions: 1,2,4,5,6

**Total # of Stream Miles = 90.04
Total # of Appropriations = 13**



Colorado Water Conservation Board Natural Lake Tabulation Water Division 1



Water Court Div	Case Number	Name of Lake	Watershed	County	Lake Centerpoint (UTM)	Surface Acres	Elevation (ft)	Volume (AF)	Approp Date
1		Square Top Lake (Lower)	Upper South Platte	Clear Creek	E: 4382623.44 N: 436440.44	6.99	12,084	26.79	
1		Square Top Lake (Upper)	Upper South Platte	Clear Creek	E: 436057.06 N: 4382782.46	7.55	12,322	113.14	

Lake Recommendations in Water Division 1: 2



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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2017 Instream Flow and Natural Lake Level Appropriations in Water Divisions 1, 2, 4, 5, and 6

Date: February 1, 2017

At its January 23-24, 2017 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on thirteen stream segments and natural lake level (NLL) water rights on two lakes. The attached ISF table provides the name, watershed, county, upper terminus, lower terminus, length and flow rates for all thirteen stream segments. The attached NLL table provides the name, watershed, county, location, surface elevation and volume for the two lakes.

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 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 March 31, 2017. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than May 1, 2017.

(e) Staff will announce its Final Staff Instream Flow Recommendation concerning contested appropriations at the September 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.

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

A notice to contest an ISF or NLL 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 or NLL 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 or NLL 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)
1	Rock Creek	South Platte Headwaters	Park	4.66	Headwaters	Confl. Natural Falls	0.9 (09/01 - 04/30) 3.8 (05/01 - 08/31)
1	Unnamed Tributary to Rough and Tumbling Creek	South Platte Headwaters	Park	2.78	Headwaters	Confl. Rough and Tumbling Creek	0.3 (01/01 - 12/31)
2	Apishapa River	Apishapa	Las Animas	4.52	Headwaters	Confl. Herlick Canyon	2.9 (05/01 - 06/30) 1.1 (07/01 - 08/31) 0.5 (09/01 - 04/30)
4	Brush Creek (Increase)	East-Taylor	Gunnison	2.32	Confl. Middle & East Brush Creeks	Confl. West Brush Creek	1.7 (01/01 - 04/14) 2.7 (10/16 - 12/31) 11 (04/15 - 04/30) 8 (05/01 - 08/31) 5 (09/01 - 09/30) 8 (10/01 - 10/15)
4	Coal Creek (Increase)	East-Taylor	Gunnison	7.67	Lake Irwin Outlet	Spann Nettick Ditch Hdgt.	1.3 (01/01 - 03/31) 5.9 (04/01 - 08/15) 3.7 (08/16 - 11/30) 2 (12/01 - 12/31)
4	West Fork Terror Creek	North Fork Gunnison	Delta	5.85	Headwaters	Confl. East Fork Terror Creek	2.2 (04/01 - 07/15) 1.1 (07/16 - 03/31)
5	Dry Fork Roan Creek	Parachute-Roan	Garfield	2.54	Confl. South Dry Fork and North Dry Fork Creeks	Omundson & Frost Ditch Hdgt.	0.5 (05/01 - 08/15) 0.2 (08/16 - 04/30)
5	Piney River (Increase)	Colorado Headwaters	Eagle	7.83	Confl. Grape Creek	Confl. Colorado River	55 (05/01 - 07/15) 16 (07/16 - 08/15) 4 (12/01 - 03/31) 16 (04/01 - 04/30) 8 (08/16 - 11/30)
6	Elkhead Creek	Upper Yampa	Routt	10.94	Confl. First Creek	Confl. North Fork Elkhead Creek	4.4 (10/16 - 03/31) 14 (04/01 - 07/15) 7 (07/16 - 07/31) 3 (08/01 - 10/15)
6	Elkhead Creek	Upper	Routt	15.83	Confl. North Fork	USGS Gage	6.4 (10/01 - 02/29)

		Yampa			Elkhead Creek	# 09246200	10 (03/01 - 03/15) 24 (03/16 - 06/30) 10 (07/01 - 07/15) 2.5 (07/16 - 09/30)
6	Fourmile Creek	Little Snake	Moffat	3.13	Headwaters	Norma Ryan Ditch Hdgt.	3.8 (05/01 - 06/30) 1.3 (04/01 - 04/30) 0.97 (07/01 - 07/31) 0.41 (08/01 - 03/31)
6	North Fork Elkhead Creek	Upper Yampa	Routt	9.39	Headwaters	Confl. Elkhead Creek	1.8 (12/01 - 03/31) 5.4 (04/01 - 06/30) 1.2 (07/01 - 07/31) 0.57 (08/01 - 09/17) 1.4 (09/18 - 11/30)
6	Slater Creek	Little Snake	Moffat	12.58	Confl. Beaver Creek	USGS Gage # 09255000	74 (04/16 - 06/30) 25 (07/01 - 07/15) 10 (07/16 - 07/31) 6.5 (08/01 - 09/15) 8.5 (09/16 - 10/15) 16 (10/16 - 03/15) 25 (03/16 - 04/15)

Natural Lake Level Recommendations

Div	Lake	Watershed	County	Location*	Elevation (ft)	Volume (Acre Feet)
1	Square Top Lake (Lower)	Upper South Platte	Clear Creek	UTM North: 4382623.44 UTM East: 436440.44	12,084	26.79
1	Square Top Lake (Upper)	Upper South Platte	Clear Creek	UTM North: 4382782.46 UTM East: 436057.06	12,322	113.14

*All UTM's NAD 1983 Zone 13 North



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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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