

BEFORE THE COLORADO WATER CONSERVATION BOARD

IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION DIVISION 6: UPPER AND LOWER YELLOW CREEK

NOTICE OF CANCELLATION OF THE CWCB'S INTENT TO APPROPRIATE INSTREAM FLOW WATER RIGHTS ON UPPER AND LOWER YELLOW CREEK

On January 26, 2015, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on two reaches of Yellow Creek in Water Division 6. On March 31, 2015, Exxon Mobil Corporation filed a Notice to Contest the Board's ISF appropriations on these stream reaches. Notices of Party Status were subsequently filed by Conservation Colorado Education Fund, Western Resource Advocates, Mountain Water LLC, and TerraCarta Energy Resources, LLC. Encana Oil and Gas filed a Notice of Contested Hearing Participant Status.

Representatives of CWCB Staff, CPW and the Attorney General's Office met with representatives for Exxon Mobil Corporation and Encana Oil and Gas to discuss their issues and concerns regarding the Board's appropriation. In an attempt to address some of the contesting parties' concerns, Staff and the Bureau of Land Management (BLM), the recommending agency of this ISF appropriation, decided to collect additional data on Yellow Creek. The BLM intends to submit a revised ISF recommendation on Yellow Creek.

During its July 2015 Meeting in Ignacio, Colorado, the CWCB Staff requested the Board to cancel its Intent to Appropriate Instream Flow Water Rights on Yellow Creek for the foregoing reasons.

The CWCB granted the Staff's request, thereby cancelling its intent to appropriate instream flow water rights on the following reaches of Yellow Creek in Water Division 6 and cancelling the hearing scheduled for November 2015:

- Yellow Creek Upper (confluence with Barcus Creek to confluence with Lambert Springs)
- Yellow Creek Lower (confluence with Lambert Creek to confluence with White River)

Dated this 23rd day of July 2015.

Casey Shpall

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Hearing Officer

Contested CWCB ISF Appropriations on Upper and Lower Yellow Creek

Party Status

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<u>Conservation Colorado Education Fund</u> <u>Western Resource Advocates</u> Robert Harris Bart Miller Western Resource Advocates 2260 Baseline Road, Suite 200 Boulder, CO 80302 303-444-1188 bart.miller@westernresources.org rob.harris@westernresources.org	<u>Exxon Mobil Corporation</u> Glenn E. Porzak Kristin H. Moseley Karen L. Henderson Porzak Browning & Bushong LLP 2120 13th St. Boulder, CO 80302 303-443-6800 gporzak@pbblaw.com kmoseley@pbblaw.com khenderson@pbblaw.com
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Contested Hearing Participant Status

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