



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

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

DATE: July 17-18, 2019 Board Meeting

AGENDA ITEM: 14 b. Instream Flow Appropriations -
Trout Creek, Water Division 6, and
Disappointment Creek (Upper & Lower Segments), Water Division 7-
Update

Background

On January 29, 2019, the CWCB formed its intent to appropriate instream flow (ISF) water rights on Trout Creek in Water Division 6, and Disappointment Creek (Upper & Lower Segments) in Water Division 7. Both of these ISFs were contested pursuant to 5k of the *Rules Concerning the Colorado Instream Flow and Natural Lake Level Program*. The Board subsequently appointed a hearing officer, and both hearings are scheduled to take place during the CWCB's September 17-19, 2019 meeting.

Currently, all parties to each hearing are working to negotiate a resolution. Holding a hearing and requiring the parties to submit pre-hearing statements will be unnecessary if the parties are able to reach settlement. The parties need additional time to determine if settlement is possible and to finalize details of a settlement. In both cases, all parties agree and have requested the hearing officer to move the scheduled hearings to the CWCB's November 20-21, 2019 meeting. The proposed revised schedule is as follows:

Trout Creek ISF:

- a. September 3, 2019: Prehearing statements due
- b. September 10, 2019: Prehearing conference
- c. October 15, 2019: Rebuttal statements due
- d. November 20-21, 2019: Hearing

Disappointment Creek ISF:

- a. September 6, 2019: Prehearing statements due
- b. September 16, 2019: Prehearing conference
- c. October 15, 2019: Rebuttal statements due
- d. November 20-21, 2019: Hearing

Staff recommendation

This is an informational item only and no Board action is required.

