



COLORADO

Parks and Wildlife

Department of Natural Resources

Water Resources Section - Aquatic,
Terrestrial, and Natural Resources
Branch

Exhibit D
November 17-18, 2021
CWCB Board Meeting
Item 22: Proposed Renewable Temporary Loan of Lake
Avery (aka Big Beaver Creek Reservoir) Water for
Instream Flow Use on Big Beaver Creek and the White
River (Water Division 6)

November 4, 2021

Mr. Rob Viehl
Ms. Kaylea White
Colorado Water Conservation Board
Stream and Lake Protection Section
1313 Sherman Street, 7th Floor
Denver, CO 80203

SUBJECT: Renewable Loan of Water from Big Beaver Reservoir (Lake Avery) for the Benefit of Instream
Flows in Big Beaver Creek and the White River

Rob and Kaylea:

This letter is in response to your request for recommendations and serves as a statement of strong support for the proposed renewable loan of water from Colorado Parks and Wildlife (CPW) to the Colorado Water Conservation Board (CWCB). CPW owns a storage water right in Big Beaver Creek Reservoir (also known as Lake Avery) that it has offered to loan a portion of to the CWCB to help supplement the CWCB's decreed instream flow (ISF) water rights to preserve the natural environment in Big Beaver Creek and the White River. CPW would like to enter into a renewable loan with the CWCB, pursuant to section 37-83-105(2) C.R.S. (2020). Releases of water from Lake Avery will be used to supplement the CWCB's ISF rights on Big Beaver Creek and the White River when they are not met, mitigating extreme stress to the fishery caused by warm temperatures and low streamflow.

Background

About 30 miles east of Meeker, CPW owns a dam and State Wildlife Area (SWA) known as Lake Avery on Big Beaver Creek immediately tributary to the White River. There is a long history of CPW working to support the popular recreational trout fishery in the White River and meet the needs of the fishery in drought-afflicted years. These efforts date back to the drought of 2002 when flows in the White River east of Meeker were low enough to trigger concern from Division of Wildlife (DOW) staff at the time. At that time, there were no statutory provisions for protecting temporary transfers of water to the CWCB for ISF use. DOW's only option was to organize meetings with local irrigators, the angling community, local government, and water officials to cooperatively attempt to keep legally available water released from Lake Avery in the White River.

By 2012, the next severe drought year, a new temporary loan program had been established by the General Assembly, which allowed CPW to loan stored water in Lake Avery to supplement CWCB's instream flow rights on Big Beaver Creek and the White River. In 2012, 2019, and 2020, low streamflow conditions warranted releases of water from Lake Avery to mitigate low-flow impacts to the fishery, specifically high water temperatures, low dissolved oxygen, and loss of habitat. On multiple occasions during these implementation years, the released water from Lake Avery made up nearly the entirety of the flow in the White River at the Wakara bridge gage in the late summer. In early 2020, House Bill 20-1157 expanded the previous ISF loan statute which was limited to use 3 years in a 10-year period and was not renewable. The new statute expands



the loan program to include both expedited loans, which provide nimble action during emergency drought response, and renewable loans, which can be implemented 5 years in a 10-year period. In July 2021, CWCB accepted an expedited loan of Lake Avery water from CPW to preserve the natural environment in Big Beaver Creek and the White River. Again, this water was critical to increase White River flow conditions in a year when the fishery would otherwise be stressed due to inadequate flow and thermal conditions.

Natural Environment

The White River Basin originates within the Flat Tops Wilderness area and becomes the White River at the confluence of the North and South Fork just downstream of Buford, Colorado. The subject ISF reach starts at the confluence of the North and South Forks and ends at the confluence with Piceance Creek. Through this reach, the fishery is highly productive and highlighted as an outstanding resource for the angling public. Current fish sampling records indicate native populations of mountain whitefish, mottled sculpin, and Colorado River cutthroat trout, as well as sport species which include brown trout, rainbow trout, and rainbow cutthroat trout hybrid. Mountain whitefish are present in this section of the White River with biomass estimates exceeding 100 pounds/acre and density estimates exceeding 60 fish larger than 14 inch per acre, indicating a stable and relatively robust population compared to other populations in the state. Mountain whitefish are native to Colorado in only the Yampa and White River basins. In addition to notable native species presence, CPW is working towards establishing a sustainable rainbow trout population with natural recruitment in the White River.

With a number of public access points above the town of Meeker, the White River is highly used by the angling public and considered an outstanding fishery resource for the state. Public access points are numerous and recreational fishing brings many in- and out-of-state anglers to visit Meeker, contributing to the local outdoor economy. Big Beaver Creek supports the trout and native species of the White River fishery. Specifically, Big Beaver supports spawning activities of rainbow trout, which can be seen stacking up at the confluence in the spring.

Conclusions and Recommendations

CPW is prepared to make up to 3,000 AF per year available to the CWCB from Lake Avery at its discretion when conditions warrant. With the proposed loan, CPW must strike a balance between keeping reservoir levels up in Lake Avery and not negatively impacting recreational opportunities at Lake Avery SWA. CPW is dedicated to conserving and supporting the important fishery in the White River. As both the water right holder and recommender in this instance, we cannot over-state our strong support of the benefits this renewable loan provides.

As always, CPW staff will be available at the November 2021 virtual CWCB meeting to answer any questions that the Board might have relating to this agenda item. We appreciate the opportunity to state our support on the first application of the state's new renewable ISF loan tool. CPW continues to be appreciative of the efforts of CWCB staff to protect releases of water that conserve and help protect important fisheries around the state, especially the White River.

Sincerely,

Katie Birch

Katie Birch
Instream Flow Program Specialist

cc: Eyre, Martin, DeVergie, Perkins, Harris, DeWalt, Watson, Brey