

STATE OF
COLORADO

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CWCB Notice of Instream Flow Recommendation for 2023

1 message

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To: kara.scheel@state.co.us

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

Department of Natural Resources

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<https://cwcb.colorado.gov/>

Pursuant to ISF Rule 5c. of the Rules Concerning the Colorado Instream Flow (ISF) and Natural Lake Level (NLL) Program, this notice identifies the streams and lakes that may be considered for ISF and NLL appropriations in 2023. At the January 2023 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 lake listed on the attached recommendation list.

The ISF and NLL Recommendations are available online at: <https://cwcb.colorado.gov/2023-isf-recommendations>. Information can also be reviewed by appointment at the CWCB's office, located at [1313 Sherman Street, Room 718, Denver, Colorado, 80203](#).

In addition to the ISF and NLL recommendations, staff may rely on any additional data, exhibits, testimony, or other information submitted by any party as part of the Official CWCB Record.

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, 2023, 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, 2023 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2023 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 2023 Board meeting.

Note that section 37-92-102 (3) (b), C.R.S. provides: "Any such appropriation shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree." For more information on whether this provision applies to specific undecreed uses of water in or above the proposed instream flow segments, and potential recognition of such uses in the CWCB's water court decree, contact Rob Viehl at the address set forth above or via email to rob.viehl@state.co.us.

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 2023. Should you wish to comment on the proposed ISF and NLL Recommendations or request more information you may do so by writing Rob Viehl of the Board's staff at the address or email given above. Your appearance at any meeting is welcome, but not necessary. If you request, Staff will present your written comments to the Board. If you are not currently on the Board's ISF Subscription Mailing List and you would like to be, sign up online at: <https://dwr.state.co.us/Portal/Login/>

ISF Recommendations

| Div. | Stream Name | Watershed | County | Length (miles) | Upper Terminus | Lower Terminus |
|------|----------------------------------|-------------------------|-------------------|----------------|-------------------------------------|------------------------------|
| 1 | Garber Creek | Upper South Platte | Douglas | 4.75 | confl North and South Garber Creeks | confl West Plum Creek |
| 1 | Herman Gulch (Increase) | Clear Creek | Clear Creek | 3.64 | headwaters | confl Clear Creek |
| 1 | Platte Gulch | South Platte Headwaters | Park | 1.54 | headwaters | confl MF South Platte River |
| 1 | Sulzer Gulch | Big Thompson | Larimer | 3.73 | headwaters | confl Big Thompson River |
| 1 | Unnamed Tributary to Duck Creek | Upper South Platte | Clear Creek | 1.08 | outlet of Lower Square Top Lake | inlet of Duck Lake |
| 1 | West Plum Creek | Upper South Platte | Douglas | 22.6 | headwaters | confl East Plum Creek |
| 2 | Cottonwood Creek | Arkansas Headwaters | Custer | 6.00 | headwaters | F. Keuhn Ditch No. 2 hdgt |
| 2 | Cottonwood Creek | Arkansas Headwaters | Fremont | 9.42 | confl Salt Creek | Giem Ditch hdgt |
| 2 | East Gulch | Arkansas Headwaters | Fremont | 8.81 | confl Antelope Gulch | confl Arkansas River |
| 4 | Beaver Dams Creek | Uncompahgre | Ouray | 3.29 | headwaters | confl East Fork Dry Creek |
| 4 | Big A Creek | San Miguel | Montrose | 1.42 | outlet of unnamed lake | confl Red Canyon Creek |
| 4 | Cottonwood Creek (Increase) | Lower Gunnison | Delta Montrose | 23.3 | Hawkins Ditch hdgt | confl Roubideau Creek |
| 4 | Cameron Creek* | East-Taylor | Gunnison | 3.69 | headwaters | confl Lottis Creek |
| 4 | Cross Creek* | East-Taylor | Gunnison | 2.48 | headwaters | confl Lottis Creek |
| 4 | Curecanti Creek (Increase) | Upper Gunnison | Gunnison | 21.4 | headwaters | confl Morrow Point Reservoir |
| 4 | East Fork Dry Creek | Uncompahgre | Montrose Ouray | 3.11 | headwaters | confl Beaver Dams Creek |
| 4 | East Muddy Creek | North Fork Gunnison | Gunnison | 6.32 | confl Lee Creek | confl West Muddy Creek |
| 4 | Goat Creek | San Miguel | San Miguel | 6.25 | headwaters | confl Beaver Creek |
| 4 | Kelly Creek | San Miguel | Montrose | 1.59 | headwaters | confl Red Canyon Creek |
| 4 | Little Cimarron River (Increase) | Upper Gunnison | Gunnison | 2.49 | confl Van Boxel Creek | Butte Ditch hdgt |
| 4 | Little Cimarron River | Upper Gunnison | Gunnison Montrose | 6.56 | Butte Ditch hdgt | confl Cimarron River |
| 4 | Main Hubbard Creek | North Fork Gunnison | Delta | 2.50 | headwaters | Overland Ditch |
| 4 | Middle Hubbard Creek | North Fork Gunnison | Delta | 2.37 | headwaters | Overland Ditch |
| 4 | Monitor Creek | Lower Gunnison | Montrose | 9.44 | USFS Property Boundary | confl Potter Creek |

| | | | | | | |
|---|-------------------------------------|-----------------------------|---------------------|-------|------------------------------------|-------------------------------|
| 4 | Pine Creek | Upper Gunnison | Gunnison | 16.7 | headwaters | confl Morrow Point Reservoir |
| 4 | Potter Creek (Increase) | Lower Gunnison | Montrose | 8.10 | USFS Property Boundary | confl Monitor Creek |
| 4 | Potter Creek (Increase) | Lower Gunnison | Montrose | 1.72 | confl Monitor Creek | confl Roubideau Creek |
| 4 | Red Canyon Creek | San Miguel | Montrose | 3.25 | headwaters | confl Big A Creek |
| 4 | Steuben Creek* | Upper Gunnison | Gunnison | 9.96 | confl West Steuben Creek | confl Blue Mesa Reservoir |
| 4 | Unnamed Tributary to EF Dry Creek * | Uncompahgre | Montrose Ouray | 2.75 | headwaters | confl EF Dry Creek |
| 4 | Van Boxel Creek* | Upper Gunnison | Gunnison | 7.75 | headwaters | confl Little Cimarron River |
| 4 | West Hubbard Creek | North Fork Gunnison | Delta | 2.32 | headwaters | Overland Ditch |
| 4 | West Muddy Creek | North Fork Gunnison | Gunnison | 5.52 | confl Ault Creek | confl East Muddy Creek |
| 4 | West Steuben Creek* | Upper Gunnison | Gunnison | 5.39 | headwaters | confl East Steuben Creek |
| 5 | Coon Creek* | Colorado Headwaters-Plateau | Mesa | 4.71 | Coon Creek Reservoir No. 4 | South Side Canal |
| 5 | Derby Creek* (Increase) | Colorado headwaters | Eagle | 8.42 | confl South Derby Creek | confl Colorado River |
| 5 | Little Elk Creek* | Roaring Fork | Pitkin | 1.98 | headwaters | Elk Creek No. 1 Ditch hdgt |
| 5 | Rock Creek | Colorado headwaters | Grand | 4.92 | headwaters | confl Colorado River |
| 6 | Bear Creek | Upper White | Garfield | 3.09 | headwaters | confl NF White River |
| 6 | Big Fish Creek | Upper White | Garfield | 4.30 | headwaters | confl NF White River |
| 6 | East Marvine Creek | Upper White | Rio Blanco | 7.31 | headwaters | confl Marvine Creek |
| 6 | Hill Creek | Upper White | Rio Blanco | 3.84 | headwaters | Hill Creek Ditch #2 & #3 hdgt |
| 6 | Hauskins Creek | Upper White | Garfield | 2.11 | headwaters | confl NF White River |
| 6 | Lynx Creek | Upper White | Garfield | 1.58 | headwaters | confl NF White River |
| 6 | Milk Creek | Lower Yampa | Moffat | 4.11 | confl Wilson Creek | confl Yampa River |
| 6 | Mirror Creek | Upper White | Rio Blanco | 2.16 | headwaters | confl NF White River |
| 6 | Paradise Creek | Upper White | Garfield Rio Blanco | 2.98 | headwaters | Paradise Ponds Diversion Hdgt |
| 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 | Picket Pin Creek | Upper White | Garfield | 2.66 | headwaters | confl NF White River |
| 6 | South Fork White River | Upper White | Rio Blanco | 8.07 | Flat Tops Wilderness Area Boundary | confl Swede Creek |
| 6 | Vermillion Creek* | Vermilion | Moffat | 18.55 | confl Talamantes Creek | confl Ink Springs |
| 6 | Vermillion Creek* | Vermilion | Moffat | 10.12 | confl Ink Springs | Vermillion Ditch hdgt |
| 6 | Vermillion Creek* | Vermilion | Moffat | 7.33 | Vermillion Ditch hdgt | confl Green River |
| 6 | Ways Gulch* | Upper Yampa | Routt | 4.45 | headwaters | confl Willow Creek |
| 6 | Wheeler Creek* | Upper North Platte | Jackson | 3.22 | headwaters | Ackers Ditch hdgt |

NLL Recommendations

| Div. | Lake Name | Watershed | County | Location (NAD 1983 Zone 13 North) |
|------|------------|---------------------|----------|--------------------------------------|
| 4 | Hack Lake* | Colorado headwaters | Garfield | UTM: 4409994.98N UTML 316816.32E |

*Recommendation received at February 2022 ISF Workshop



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