



**TO:** Colorado Water Conservation Board Members

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

**DATE:** March 21, 2019

**AGENDA ITEM:** 26. Notice of Instream Flow Recommendations for 2020

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### Background and Staff Recommendation

Pursuant to Rule 5c. of the Rules Concerning the Colorado Instream Flow (ISF) and Natural Lake Level Program ("ISF Rules"), Staff is providing notice that the following 48 stream segments have been recommended for instream flow (ISF) appropriations in 2020. At the January 2020 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on these streams.

Please note that the list below includes 14 new recommendations (identified with an \*) and 34 recommendations that Staff received in previous years. Staff has not yet moved the previous recommendations forward due to the need for additional scientific data and/or ongoing attempts to address stakeholder issues. In 2020, Staff will recommend that the Board move forward on the recommendations for which Staff is able to reasonably address all outstanding issues.

Detailed information regarding these stream segments is also available on the CWCB website located at: <http://cwc.state.co.us/environment/instream-flow-program/Pages/2020ProposedISFRecommendations.aspx>

This is an informational item with no Board action required.

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Indian Creek	Upper South Platte	Park	2.74	headwaters	confluence Willow Gulch
1	McCurdy Creek	Upper South Platte	Park	3.37	headwaters	confluence Lost Creek
1	North Fork Little Thompson River	Big Thompson	Larimer	11.9	headwaters	confluence Little Thompson River

1	Platte Gulch	South Platte Headwaters	Park	1.54	headwaters	confluence MF South Platte River
1	Spring Canyon	Cache La Poudre	Larimer	2.40	headwaters	confluence Horsetooth Reservoir
1	Sulzer Gulch	Big Thompson	Larimer	3.73	headwaters	confluence Big Thompson River
1	Unnamed Tributary to Duck Creek*	Upper South Platte	Clear Creek	0.22	outlet of Upper Square Top Lake	inlet of Upper Square Top Lake
1	Unnamed Tributary to Duck Creek	Upper South Platte	Clear Creek	1.08	outlet of Lower Square Top Lake	inlet of Duck Lake
2	Beaver Creek	Upper Arkansas	Fremont	8.91	confluence East Beaver Creek	confluence unnamed tributary
2	East Fork Arkansas River*	Arkansas Headwaters	Lake	6.46	headwaters	confluence Chalk Creek
2	Iowa Gulch*	Arkansas Headwaters	Lake	3.61	headwaters	Iowa Gulch intake
2	West Beaver Creek	Upper Arkansas	Fremont Teller	7.49	confluence Douglas Gulch	confluence East Beaver Creek
4	Cement Creek* (Increase)	East-Taylor	Gunnison	17.4	headwaters	confluence East River
4	Cottonwood Creek	Lower Gunnison	Delta Montrose	23.3	Hawkins Ditch headgate	confluence Roubideau Creek
4	Cow Creek	Uncompahgre	Ouray	11.8	USFS Property boundary	confluence Uncompahgre River
4	Gold Creek	Tomichi	Gunnison	0.45	Tarkington Ditch headgate	confluence Quartz Creek
4	Kelso Creek	Lower Gunnison	Mesa	9.89	headwaters	confluence Bear Gulch
4	Monitor Creek	Lower Gunnison	Montrose	9.44	USFS Property Boundary	confluence Potter Creek
4	Naturita Creek	San Miguel	San Miguel	11.0	headwaters	Norwood Road Crossing
4	Naturita Creek	San Miguel	Montrose San Miguel	16.5	Norwood Road Crossing	confluence San Miguel River

4	Pine Creek*	Upper Gunnison	Gunnison	16.7	headwaters	confluence Morrow Point Reservoir
4	Potter Creek	Lower Gunnison	Montrose	9.82	USFS Property Boundary	confluence Roubideau Creek
4	Spring Creek* (Increase)	East-Taylor	Gunnison	3.18	confluence Rocky Brook Creek	confluence Bear Creek
4	Spring Creek* (Increase)	East-Taylor	Gunnison	8.17	confluence Bear Creek	confluence Taylor River
4	Spring Creek	San Miguel	Montrose	12.4	headwaters	confluence Tabeguache Creek
6	Bear Creek*	Upper White	Garfield	3.09	headwaters	confluence NF White River
6	Big Fish Creek*	Upper White	Garfield	4.30	headwaters	confluence NF White River
6	East Marvine Creek*	Upper White	Rio Blanco	7.31	headwaters	confluence Marvine Creek
6	Hauskins Creek	Upper White	Garfield	2.11	headwaters	confluence NF White River
6	Hill Creek*	Upper White	Rio Blanco	3.84	headwaters	Hill Creek Ditch #2 & #3 headgate
6	Lynx Creek	Upper White	Garfield	1.58	headwaters	confluence NF White River
6	Milk Creek	Lower Yampa	Moffat	4.11	confluence Wilson Creek	confluence Yampa River
6	Mirror Creek*	Upper White	Rio Blanco	2.16	headwaters	confluence NF White River
6	Morapos Creek	Upper Yampa	Moffat Rio Blanco	26.2	headwaters	confluence Williams Fork
6	Pagoda Creek	Upper Yampa	Rio Blanco	10.3	headwaters	confluence SF Williams Fork
6	Paradise Creek*	Upper White	Garfield Rio Blanco	3.16	headwaters	confluence NF White River
6	Piceance Creek	Piceance-Yellow	Garfield Rio Blanco	6.93	headwaters	confluence unnamed tributary
6	Piceance Creek	Piceance-	Rio Blanco	3.83	confluence	confluence Cow

		Yellow			unnamed tributary	Creek
6	Picket Pin Creek	Upper White	Garfield	2.66	headwaters	confluence NF White River
6	Rough Creek	Upper Yampa	Rio Blanco	4.93	headwaters	confluence Poose Creek
6	South Fork White River	Upper White	Rio Blanco	8.07	Flat Tops Wilderness Area Boundary	confluence Swede Creek
6	South Fork Williams Fork	Upper Yampa	Rio Blanco	8.06	headwaters	confluence Pagoda Creek
6	South Fork Williams Fork	Upper Yampa	Routt	4.67	confluence Beaver Creek	confluence Williams Fork
6	Sunbutter Creek*	Upper Yampa	Rio Blanco	2.56	headwaters	Bunker Ditch headgate
6	Waddle Creek	Upper Yampa	Moffat	10.8	headwaters in vicinity	confluence Williams Fork
6	Watson Creek	Upper Yampa	Routt	5.86	confluence Moody Creek	Hardscrabble Ditch headgate
6	Williams Fork	Upper Yampa	Moffat	8.25	confluence Morapos Creek	confluence Yampa River
7	Rincon La Vaca Creek	Upper San Juan	Hinsdale	4.47	headwaters	confluence Los Pinos River

\*Recommendation received at January 2019 ISF Workshop



## COLORADO

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Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Rob Viehl, Water Resource Specialist

**DATE:** November 20-21, 2019 Board Meeting

**AGENDA ITEM:** 26. Notice of 2020 Instream Flow Recommended Appropriations in Water Divisions 1, 2, 4, and 6

#### Background:

Pursuant to Instream Flow (“ISF”) Rule 5c., the Colorado Water Conservation Board is providing notice that the following 20 stream segments are being considered for ISF appropriations in 2020. At the January or March 2020 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on some or all of the streams listed in Table 1. All of these streams were previously noticed at the Board’s March 2019 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 2020 with a recommendation that the Board form its intent to appropriate ISF water rights. No Board action is required.

Table 1: Instream Flow Recommendations 2020

Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
1	North Fork Little Thompson River (confluence unnamed tributary to the confluence Little Thompson River)	CPW, Larimer County	Larimer	5.96
2	East Fork Arkansas River (headwaters to confluence Chalk Creek)	BLM	Lake	6.46
2	Iowa Gulch (headwaters to Iowa Gulch Intake)	BLM	Lake	3.61
4	Cement Creek (Increase) (headwaters to confluence East River)	HCCA	Gunnison	17.4
4	Cottonwood Creek (Increase) (Hawkins Ditch headgate to confluence Roubideau Creek)	BLM	Delta, Montrose	23.3



Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
4	Kelso Creek (headwaters to confluence Bear Gulch)	CPW	Mesa	11.9
4	Monitor Creek (U.S. Forest Service Property Boundary to confluence Potter Creek)	BLM	Montrose	9.44
4	Potter Creek (Increase) (U.S. Forest Service Property Boundary to confluence Roubideau Creek)	BLM	Montrose	9.82
4	Spring Creek (Increase) (confluence Rocky Brook Creek to confluence Bear Creek)	HCCA	Gunnison	3.18
4	Spring Creek (Increase) (confluence Bear Creek to confluence Taylor River)	HCCA	Gunnison	8.17
4	Spring Creek (headwaters to confluence with Tabeguache Creek)	BLM	Montrose	12.4
6	Bear Creek (headwaters to confluence North Fork White River)	CPW	Garfield	3.09
6	Hauskins Creek (headwaters to confluence North Fork White River)	CPW	Garfield	2.11
6	Lynx Creek (headwaters to confluence North Fork White River)	CPW	Garfield	1.58
6	Mirror Creek (headwaters to confluence North Fork White River)	CPW	Rio Blanco	2.16
6	Paradise Creek (headwaters to Paradise Ponds diversion headgate)	CPW	Garfield, Rio Blanco	2.98
6	Piceance Creek (headwaters to confluence unnamed tributary)	BLM	Garfield, Rio Blanco	6.93
6	Piceance Creek (confluence unnamed tributary to confluence Cow Creek)	BLM	Rio Blanco	3.83
6	Picket Pin Creek (headwaters to confluence North Fork White River)	CPW	Garfield	2.66
6	Unnamed Tributary to Bunker Creek (headwaters to Bunker Ditch headgate)	BLM	Rio Blanco	2.56

BLM = Bureau of Land Management; CPW = Colorado Parks and Wildlife; HCCA = High Country Conservation Advocates



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**TO:** Colorado Water Conservation Board Members

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

**DATE:** March 11-12, 2020

**AGENDA ITEM:** 12. Notice of Instream Flow Recommendations for 2021

**Staff Recommendation:** This is an informational item with no Board action required.

**Background:** Pursuant to Rule 5c. of the Rules Concerning the Colorado Instream Flow (ISF) and Natural Lake Level Program ("ISF Rules"), Staff is providing notice that the following 53 stream segments have been recommended for instream flow (ISF) appropriations in 2021. At the January 2021 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on these streams.

Please note that the list below includes 21 new recommendations (identified with an \*) and 32 recommendations that Staff received in previous years. Staff has not yet moved the previous recommendations forward due to the need for additional scientific data and/or ongoing attempts to address stakeholder issues. In 2021, Staff will recommend that the Board move forward on the recommendations for which sufficient data collection and outreach are completed.

Detailed information regarding these stream segments is also available on the CWCB website located at: <https://cwcb.colorado.gov/2021-isf-recommendations>

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Dry Gulch*	Clear Creek	Clear Creek	2.83	headwaters	confluence Clear Creek
1	Garber Creek*	Upper South Platte	Douglas	4.75	confluence North & South Garber Creeks	confluence West Plum Creek
1	Herman Gulch* (Increase)	Clear Creek	Clear Creek	3.64	headwaters	confluence Clear Creek
1	North Fork Little Thompson River	Big Thompson	Larimer	5.96	confluence unnamed tributary	confluence Little Thompson River
1	Platte Gulch	South Platte Headwaters	Park	1.54	headwaters	confluence MF South Platte River



Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Redstone Creek*	Big Thompson	Larimer	16.3	headwaters	confluence Buckhorn Creek
1	Spring Canyon	Cache La Poudre	Larimer	2.40	headwaters	confluence Horsetooth Reservoir
1	Sulzer Gulch	Big Thompson	Larimer	3.73	headwaters	confluence 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	confluence East Plum Creek
2	Cottonwood Creek*	Arkansas Headwaters	Custer	6.00	headwaters	F. Keuhn Ditch No. 2 headgate
2	Cottonwood Creek*	Arkansas Headwaters	Fremont	9.42	confluence Salt Creek	Giem Ditch headgate
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters	confluence Chalk Creek
2	East Gulch*	Arkansas Headwaters	Fremont	8.81	confluence Antelope Gulch	confluence Arkansas River
4	Beaver Dams Creek*	Uncompahgre	Ouray	3.29	headwaters	confluence East Fork Dry Creek
4	Big A Creek*	San Miguel	Montrose	1.42	headwaters	confluence Red Canyon Creek
4	Cottonwood Creek (Increase)	Lower Gunnison	Delta, Montrose	23.3	Hawkins Ditch headgate	confluence Roubideau Creek
4	Cow Creek	Uncompahgre	Ouray	11.8	USFS Property boundary	confluence Uncompahgre River
4	Curecanti Creek* (Increase)	Upper Gunnison	Gunnison	21.4	headwaters	confluence Morrow Point Reservoir
4	East Fork Dry Creek*	Uncompahgre	Montrose, Ouray	3.11	headwaters	confluence Beaver Dams Creek
4	East Muddy Creek*	North Fork Gunnison	Gunnison	6.32	confluence Lee Creek	confluence West Muddy Creek
4	Elk Creek*	East-Taylor	Gunnison	2.66	headwaters	confluence Coak Creek
4	Gold Creek	Tomichi	Gunnison	0.45	Tarkington Ditch headgate	confluence Quartz Creek
4	Kelly Creek*	San Miguel	Montrose	1.59	headwaters	confluence Red Canyon Creek



Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
4	Little Cimarron River (Increase)	Upper Gunnison	Gunnison	2.49	confluence Van Boxel Creek	Butte Ditch headgate
4	Little Cimarron River	Upper Gunnison	Gunnison, Montrose	6.56	Butte Ditch headgate	confluence 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	confluence Potter Creek
4	Naturita Creek (Increase)	San Miguel	San Miguel	11.0	headwaters	Norwood Road Crossing
4	Naturita Creek	San Miguel	Montrose, San Miguel	20.2	Norwood Road Crossing	confluence San Miguel River
4	Pine Creek	Upper Gunnison	Gunnison	16.7	headwaters	confluence Morrow Point Reservoir
4	Potter Creek (Increase)	Lower Gunnison	Montrose	9.82	USFS Property Boundary	confluence Roubideau Creek
4	Red Canyon*	San Miguel	Montrose	3.25	headwaters	confluence Big A Creek
4	Spring Creek	San Miguel	Montrose	7.47	headwaters	Crabtree Ditch headgate
4	West Hubbard Creek*	North Fork Gunnison	Delta	2.32	headwaters	Overland Ditch
4	West Muddy Creek*	North Fork Gunnison	Gunnison	5.52	confluence Ault Creek	confluence East Muddy Creek
4	Wildcat Creek*	East-Taylor	Gunnison	2.48	Outlet of Green Lake	confluence Coal Creek
6	Bear Creek	Upper White	Garfield	3.09	headwaters	confluence NF White River
6	Big Fish Creek	Upper White	Garfield	4.30	headwaters	confluence NF White River
6	East Marvine Creek	Upper White	Rio Blanco	7.31	headwaters	confluence Marvine Creek
6	Hauskins Creek	Upper White	Garfield	2.11	headwaters	confluence NF White River
6	Hill Creek	Upper White	Rio Blanco	3.84	headwaters	Hill Creek Ditch #2 & #3 headgate

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
6	Lynx Creek	Upper White	Garfield	1.58	headwaters	confluence NF White River
6	Milk Creek	Lower Yampa	Moffat	4.11	confluence Wilson Creek	confluence Yampa River
6	Mirror Creek	Upper White	Rio Blanco	2.16	headwaters	confluence NF White River
6	Paradise Creek	Upper White	Garfield, Rio Blanco	2.98	headwaters	Paradise Ponds Diversion Headgate
6	Piceance Creek	Piceance-Yellow	Garfield, Rio Blanco	6.93	headwaters	confluence unnamed tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	confluence unnamed tributary	confluence Cow Creek
6	Picket Pin Creek	Upper White	Garfield	2.66	headwaters	confluence NF White River
6	South Fork White River	Upper White	Rio Blanco	8.07	Flat Tops Wilderness Area Boundary	confluence Swede Creek
6	Watson Creek	Upper Yampa	Routt	5.86	confluence Moody Creek	Hardscrabble Ditch headgate
7	Rincon La Vaca Creek	Upper San Juan	Hinsdale	4.47	headwaters	confluence Los Pinos River

\*Recommendation received at January 2020 ISF Workshop



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Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Robert Viehl, Water Resource Specialist

**DATE:** November 18-19, 2019 Board Meeting

**AGENDA ITEM:** 20. Notice of Recommended 2021 Instream Flow Appropriations in Water Divisions 1, 2, 4, 6, and 7

#### Background:

Pursuant to Instream Flow (“ISF”) Rule 5c., the Colorado Water Conservation Board is providing notice that the following 15 stream segments are being considered for ISF appropriations in 2021. At the January 2021 CWCB meeting, Staff may request that the Board form its intent to appropriate ISF water rights on some or all of the streams listed in Table 1. All of these streams were previously noticed at the Board’s March 2020 meeting.

#### Staff Recommendation:

This is an informational item that provides notice of recommended stream segments that staff may bring to the Board in January 2021 with a recommendation that the Board form its intent to appropriate ISF water rights. No Board action is required.

Table 1: Instream Flow Recommendations 2021

Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
1	Dry Gulch (headwaters to the confluence with Clear Creek)	CPW	Clear Creek	2.83
1	North Fork Little Thompson River (confluence Beartrap Gulch to the confluence Little Thompson River)	CPW, Larimer County	Larimer	4.51
1	Redstone Creek (headwaters to the confluence with Buckhorn Creek)	CPW, Larimer County	Larimer	16.33
2	East Fork Arkansas River (headwaters to confluence Chalk Creek)	BLM	Lake	6.46
4	Cottonwood Creek (Increase) (Hawkins Ditch headgate to confluence Roubideau Creek)	BLM	Delta, Montrose	23.3



Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
4	Cow Creek (confluence with Nate Creek to the confluence with the Uncompahgre River)	CPW	Ouray	8.54
4	Elk Creek (headwaters to the confluence with Coal Creek)	HCCA	Gunnison	2.66
4	Gold Creek (Tarkington Ditch headgate to the confluence with Quartz Creek)	HCCA	Gunnison	0.45
4	Monitor Creek (U.S. Forest Service Property Boundary to confluence with Potter Creek)	BLM	Montrose	9.44
4	Potter Creek (Increase) (U.S. Forest Service Property Boundary to confluence Monitor Creek)	BLM	Montrose	8.1
4	Potter Creek (Increase) (confluence with Monitor Creek to confluence with Roubideau Creek)	BLM	Montrose	1.72
4	Spring Creek (headwaters to Crabtree Ditch headgate)	BLM	Montrose	7.47
4	Wildcat Creek (outlet of Green Lake to the confluence with Coal Creek)	HCCA	Gunnison	2.48
6	Watson Creek (confluence with Moody Creek to the Hardscrabble Ditch headgate)	BLM	Routt`	5.86
7	Rincon La Vaca (headwaters to the confluence with the Los Pinos River)	CPW	Hinsdale	4.47

BLM = Bureau of Land Management; CPW = Colorado Parks and Wildlife; HCCA = High Country Conservation Advocates



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**TO:** Colorado Water Conservation Board Members

**FROM:** Linda Bassi, Chief  
Robert Viehl, Water Resource Specialist  
Stream and Lake Protection Section

**DATE:** March 10, 2021

**AGENDA ITEM:** 6. 2021 Instream Flow Appropriations in Water Divisions 2 and 4

#### Introduction

This memo provides an overview of the technical analyses performed by the recommending entities and CWCB staff on instream flow (ISF) recommendations in Water Divisions 2 and 4. This work was conducted to provide the Board with sufficient information to declare its intent to appropriate ISF water rights in accordance with the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program (ISF Rules). The Board was also provided with an executive summary for each recommended stream segment. The executive summaries contain the technical basis for each appropriation along with appendices of the supporting scientific data.

#### Staff Recommendation

1) Staff recommends that, pursuant to ISF Rule 5d., the Board declare its intent to appropriate an ISF water right on each stream segment listed on the Tabulation of Instream Flow Recommendations, and direct staff to publicly notice the Board's declaration of its intent to appropriate.

2) Establish the following initial schedule for the notice and comment procedure pursuant to ISF Rule 5c.:

Date	Action
March 10, 2021	Board declares its intent to appropriate and hears public comment
May 19-20, 2021	Public comment at CWCB Meeting
May 31, 2021	Notice to Contest due
June 10, 2021	Deadline for notification to the ISF Subscription Mailing List of Notices to Contest (no notification if none received)
June 30, 2021	Notices of Party Status and Contested Hearing Participant Status due
July 21-22, 2021	If necessary, Staff informs Board of Parties and Participants; Board sets hearing date; and the Board may take final action on any uncontested ISF appropriations at the July Board meeting
November 2021	ISF Contested Hearing conducted in conjunction with CWCB Meeting



## Tabulation of Instream Flow Recommendations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus (UTM)	Lower Terminus (UTM)	Flow Rate, cfs (Timing)
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters in the vicinity of: E: 399540.97 N: 4353749.78	confl Chalk Creek at E: 394793.07 N: 4356126.94	0.25 (12/16 - 04/30) 7 (05/01 - 07/31) 2.8 (08/01 - 09/20) 0.7 (09/21 - 12/15)
4	Cow Creek	Uncompahgre	Ouray	7.4	confl Lou Creek at E: 265665.02 N: 4231002.60	confl Uncompahgre River at E: 258039.02 N: 4237591.58	7.2 (01/01 - 03/31) 20 (04/01 - 04/30) 53 (05/01 - 06/30) 20 (07/01 - 07/31) 15 (08/01 - 08/15) 7.2 (08/16 - 08/28) 5.9 (08/29 - 09/19) 7.2 (09/20 - 12/31)
4	Wildcat Creek	East-Taylor	Gunnison	2.48	outlet of Green Lake at E: 323800.20 N: 4301420.95	confl Coal Creek at E: 325687.24 N: 4304206.95	0.35 (12/01 - 03/31) 0.65 (04/01 - 04/30) 2.1 (05/01 - 08/31) 0.6 (09/01 - 11/30)

## Background

Staff reviewed each proposed ISF segment to ensure that the dataset is complete, and proper methods and procedures were followed. In addition, staff conducted site visits and completed water availability analyses. Staff 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 three stream segments. These stream segments are located in Water Divisions 2 (Lake County), and 4 (Gunnison and Ouray Counties).

## Technical Investigations

Staff's executive summary and technical analysis of each stream segment form the basis for staff's recommendations. In addition, the scientific data and technical analyses performed by the recommending entity are accessible on the Board's website at:

<https://cwcb.colorado.gov/2021-isf-recommendations>

## Natural Environment Studies

The Bureau of Land Management, Colorado Parks and Wildlife, and High Country Conservation Advocates documented the natural environment resources on these streams and found natural environments that can be preserved. To quantify the resources and to evaluate instream flow requirements, the recommending entities collected hydraulic data and performed R2CROSS modeling on all segments. CWCB staff reviewed all of the data used to support the recommendations, and worked with the recommending entities to develop final recommendations for the flow rates of water necessary to preserve the natural environment to a reasonable degree.

## Water Availability Studies

To determine the amount of water physically available for the recommended instream flow appropriations, staff analyzed available streamflow 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. In addition, staff analyzed the

water rights tabulation for each stream to identify any potential water availability problems. Based on these analyses, staff determined that water is available for appropriation on each stream segment listed on the Tabulation of Instream Flow Recommendations to preserve the natural environment to a reasonable degree.

CWCB staff suggested modifications to the R2Cross biological flow recommendations due to water availability limitations. Staff met with the recommending entities to review the water availability analyses and discuss whether the modified recommendations would preserve the natural environment to a reasonable degree. After reviewing staff's hydrology and the original R2Cross results, and evaluating flow needs 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 2020 to the ISF subscription mailing list, gave presentations to County Commissioners for each county where the stream segments are located, and contacted landowners adjacent to the proposed ISF reaches via phone or mail. In addition, staff contacted water commissioners, water right holders, 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 water rights after reviewing staff's recommendations for the proposed appropriations. Rule 5d. also sets forth actions that staff must take 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 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 appropriation; 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.

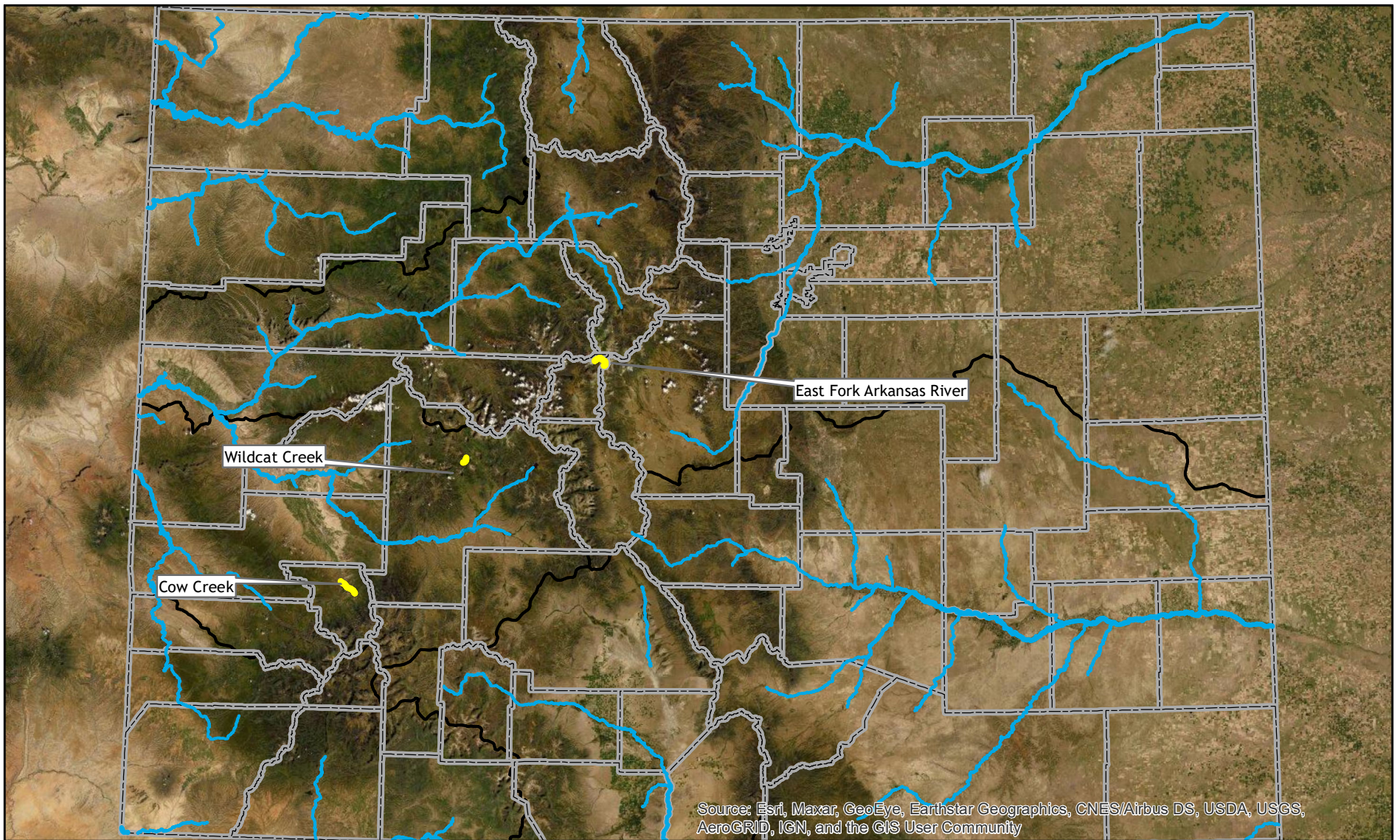
(c) Any meetings held between Staff and members of the public will be open to the public. Staff may provide Proper Notice prior to any such meetings and may provide notice to Persons on the ISF Subscription Mailing List(s).

(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 ISF Recommendations 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.





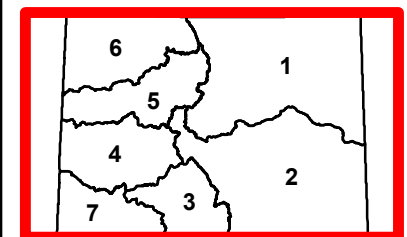
**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

March 10, 2021  
ISF Recommendations

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Miles







P.O. BOX 392, RIDGWAY, CO 81432 • 970-325-3010 • UNCOMPAHGREWATERSHED.ORG

January 8, 2021

Mr. Rob Viehl  
Colorado Water Conservation Board  
1313 Sherman Street  
Room 718  
Denver, CO 80203

RE: Instream Flow Appropriation Recommendation for Cow Creek, Ouray County

Dear Mr. Viehl and CWCB Staff:

The Uncompahgre Watershed Partnership (UWP) submits this letter of comment in support of the recommendation by Colorado Parks and Wildlife (CPW) for appropriation of a minimum instream flow water right or rights on lower Cow Creek in Ouray County.

UWP is a Colorado nonprofit corporation dedicated to protecting and improving the natural, scenic and economic values of the Upper Uncompahgre River Watershed through various efforts to improve water quality, riverine ecosystem function, seasonal low flows and recreational opportunities. UWP has completed and is continuing to work on several projects to reduce heavy metal loading into the Uncompahgre River and its tributaries and thereby improve water quality.

As the CWCB notes on its website about the importance of the Instream Flow Program, "The ISF Program can address important emerging issues such as water requirements for declining, sensitive, and threatened and endangered species, protection of macroinvertebrate populations and rare riparian vegetation assemblages, or restoration of the natural environment." Cow Creek is a relatively complicated ecosystem. Despite the pre-dominance of agricultural water rights that have changed the natural flow patterns of the stream, Cow Creek flows are of critical importance to aquatic habitat both within the channel of Cow Creek and in the Uncompahgre River below. One example is a remnant population of bluehead sucker, a fish species native to the Uncompahgre River Basin and identified as a "Tier One Species of Greatest Conservation Need" by CPW based on 2019 & 2020 Fish Surveys of lower Cow Creek. In addition, CPW has noted that the peak seasonal high flows from Cow Creek into the Uncompahgre River result in the deposit of cobble and coarse sediments into the river downstream of Cow Creek's confluence with the Uncompahgre River. Such deposits are critical to the thriving aquatic ecosystem supporting the fishery and ecosystem in that reach of the river. Additionally, seasonal high flows in Cow Creek are especially important for the reach of the Uncompahgre River receiving flow from Cow Creek, because Ridgway Reservoir modifies the flow and retains much of the sediment from the Upper Uncompahgre Watershed.

Because of Cow Creek's unique properties and relative importance to the Uncompahgre River Basin, we believe that an innovative, consensus-driven approach to stream management is called for. Several years ago, the Ouray County Board of County Commissioners (BOCC) obtained grant funding



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from the CWCB as a step toward developing such an approach to management of the Upper Uncompahgre River and its tributaries. That stream management planning effort resulted in the Upper Uncompahgre River Water Supply Protection and Enhancement Plan report, which the BOCC submitted to CWCB late last year. UWP, as well as CPW staff, participated on the “steering committee” for that effort. A number of alternatives for addressing projected water shortages in the Upper Uncompahgre basin and for protecting and enhancing aquatic ecosystem values (such as water use efficiency improvements and possible re-operation of Ridgway Reservoir) were identified in steering committee meetings. However, the final Plan report largely focused on the proposed development of a storage reservoir and ditch/pipeline proposal to divert water from Cow Creek to the Uncompahgre River upstream of Ridgway Reservoir (the “Ram’s Horn Reservoir and Pipeline Project”). Also late last year, Ouray County, the Tri-County Water Conservancy District and the Ouray County Water Users Association filed a Water Court application (Division 4 Water Court Case No. 2019CW3098), which seeks to secure a priority for the Ram’s Horn Reservoir and Pipeline Project. If granted, the requested conditional water rights would be senior to a CWCB appropriation for an ISF on lower Cow Creek. Many participants on the steering committee felt, at that point, that what was originally proposed as a cooperative, consensus-building exercise to address a broad range of future water uses in watershed planning had become more of an effort focused solely to advance the proposed Ram’s Horn Reservoir and Pipeline Project.

We have provided the background information above in order to demonstrate the importance of CWCB using its authority to appropriate water rights for instream flows. UWP is participating as a party in Case No. 2019CW3098, as is CWCB and CPW. Our purpose in participating in the case is to assure that the applicants can provide proof of the need and specific uses to be made of the large, conditional water rights and exchange rights claimed in the application. If that application is granted as claimed and without limiting conditions, the flows available to protect the aquatic habitat values in lower Cow Creek may be severely limited. UWP and the applicants have discussed such concerns and hope that we can work toward consensus on reasonable flow protections in Cow Creek if conditional water rights are granted in the case and if the Ram’s Horn Reservoir and Pipeline Project, or some similar proposed development of Cow Creek diversions, is realized in the future. But there’s significant uncertainty as to whether such a consensus will be possible. That reality further underscores the importance of CWCB securing a priority for additional ISF right(s) on lower Cow Creek.

UWP urges the CWCB to act to initiate the appropriation of the instream flows as recommended by CPW. We also encourage CWCB and CPW to remain active in the referenced water court case to assure that applicants do not pursue speculative claims that would tie up Cow Creek flows and exchange potential to the further detriment of the aquatic ecosystem in lower Cow Creek and in the Uncompahgre River below Cow Creek. UWP believes that the efforts of all stakeholders should be focused on finding consensus that will provide for a functional flow regime in Cow Creek and other parts of the Uncompahgre River Basin, as well as reasonable solutions to projected future water shortages for important water uses in Ouray County. We believe that an ISF appropriation on Cow Creek is an important step in that process.



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More specific comments of UWP follow:

- CWCB staff's March 2020 notification of ISF appropriations proposed an ISF for Cow Creek extending from the National Forest Boundary (lower terminus of the existing, decreed minimum ISF on Cow Creek down to the confluence of Cow Creek and the Uncompahgre River. The November 2020 recommendation appears to have moved the upper end of the ISF reach to the confluence of Nate Creek and Cow Creek. We do not understand a rationale for excluding the reach between the National Forest Boundary and Nate Creek, unless it is to avoid potential conflict around possible development of the Ram's Horn Reservoir and Pipeline Project. We request that the recommendation be re-considered to include the entirety of Cow Creek from the lower terminus of the existing Cow Creek ISF to the Uncompahgre River. Such continuity would seem to be important to the overall management and health of Cow Creek, particularly in light of the uncertainties as to whether the Ram's Horn Reservoir and Pipeline Project might be developed as currently proposed.
- We would ask whether and to what extent the importance of high, seasonal, peak flows from Cow Creek into the Uncompahgre River has been considered in fashioning the CPW or CWCB staff recommendation(s). We believe this is an important consideration and urge CWCB to consider whether some protection of peak flows can be developed either through the ISF appropriation or possibly through contractual arrangements or water acquisitions.
- UWP believes that future loans or leases of water rights to the CWCB should be pursued as critical tools that can be used to protect and enhance flows in Cow Creek. Securing an ISF water right is an important first step to implementing such transactions.

UWP also hereby requests that this comment letter be included in the record for the full Board in its consideration of CWCB staff's recommendations. If we can answer any questions or provide additional information, please contact us.

Sincerely,  
Board of Directors of the Uncompahgre Watershed Partnership

A handwritten signature in black ink that reads "Dennis Murphy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dennis Murphy, Chairperson



## COLORADO

### Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718  
Denver, CO 80203

P (303) 866-3441  
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Rob Viehl, Chief  
Stream and Lake Protection Section

**DATE:** May 19, 2021

#### **AGENDA ITEM: 5. Public Comment on 2021 Instream Flow Appropriations in Water Divisions 2 and 4**

**Staff Recommendation:** This is an informational item with no Board action required.

**Background:** At its March 10, 2021 meeting, the Board declared its intent to appropriate three instream flow (ISF) water rights. The purpose of this agenda item is to provide notice to the public of these 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). Staff provided notice to the ISF Subscription Mailing list of the proposed appropriations on March 16, 2021. Detailed information regarding these stream segments is available on the CWCB website located at: <https://cwcb.colorado.gov/2021-isf-recommendations>

Anyone wishing to contest one or more of these ISF appropriations must file a Notice to Contest with the Board, pursuant to ISF Rule 5k., by June 1, 2021. Staff will ask the Board to take final action on all uncontested ISF appropriations at its July 2021 meeting.

#### Proposed Instream Flow Appropriations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus (UTM)	Lower Terminus (UTM)	Flow Rate, cfs (Timing)
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters in the vicinity of: E: 399540.97 N: 4353749.78	confl Chalk Creek at E: 394793.07 N: 4356126.94	0.25 (12/16 - 04/30) 7 (05/01 - 07/31) 2.8 (08/01 - 09/20) 0.7 (09/21 - 12/15)
4	Cow Creek	Uncompahgre	Ouray	7.4	confl Lou Creek at E: 265665.02 N: 4231002.60	confl Uncompahgre River at E: 258039.02 N: 4237591.58	7.2 (01/01 - 03/31) 20 (04/01 - 04/30) 53 (05/01 - 06/30) 20 (07/01 - 07/31) 15 (08/01 - 08/15) 7.2 (08/16 - 08/28) 5.9 (08/29 - 09/19) 7.2 (09/20 - 12/31)
4	Wildcat Creek	East-Taylor	Gunnison	2.48	outlet of Green Lake at E: 323800.20 N: 4301420.95	confl Coal Creek at E: 325687.24 N: 4304206.95	0.35 (12/01 - 03/31) 0.65 (04/01 - 04/30) 2.1 (05/01 - 08/31) 0.6 (09/01 - 11/30)





## COLORADO

### Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718  
Denver, CO 80203

P (303) 866-3441  
F (303) 866-4474

Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Robert Viehl, Chief  
Stream and Lake Protection Section

**DATE:** July 21, 2021

**AGENDA ITEM:** 6. Final Action on Uncontested 2021 Instream Flow Appropriations in Water Divisions 2 and 4

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**Staff Recommendation:** Staff requests that the Board make the following determinations and take the following actions on each of the appropriations identified in Table 1. The information necessary to support these determinations is contained in this memo, the recommendation letters and documentation submitted by the Bureau of Land Management (BLM), Colorado Parks and Wildlife (CPW) and High Country Conservation Advocates (HCCA), and in staff's oral and written presentations provided at the March 10, 2021 Board meeting.

- (1) Determine, pursuant to section 37-92-102(3), C.R.S., that for each ISF appropriation identified in Table 1:
  - (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 March 10, 2021 as the appropriation date for these water rights.
- (3) Accept the provisions in the Trappers Crossing Homeowners Association Stipulation and agree to include them in any subsequent Water Court applications, filings, and decrees.
- (4) Request staff to work with the Attorney General's office to file applications for these water rights in water court by the end of the calendar year.



Table 1

Div	Stream	Watershed	County	Length (miles)	Upper Terminus (UTM)	Lower Terminus (UTM)	Flow Rate, cfs (Timing)
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters in the vicinity of: E: 399540.97 N: 4353749.78	confl Chalk Creek at E: 394793.07 N: 4356126.94	0.25 (12/16 - 04/30) 7 (05/01 - 07/31) 2.8 (08/01 - 09/20) 0.7 (09/21 - 12/15)
4	Cow Creek	Uncompahgre	Ouray	7.4	confl Lou Creek at E: 265665.02 N: 4231002.60	confl Uncompahgre River at E: 258039.02 N: 4237591.58	7.2 (01/01 - 03/31) 20 (04/01 - 04/30) 53 (05/01 - 06/30) 20 (07/01 - 07/31) 15 (08/01 - 08/15) 7.2 (08/16 - 08/28) 5.9 (08/29 - 09/19) 7.2 (09/20 - 12/31)
4	Wildcat Creek	East-Taylor	Gunnison	2.48	outlet of Green Lake at E: 323800.20 N: 4301420.95	confl Coal Creek at E: 325687.24 N: 4304206.95	0.35 (12/01 - 03/31) 0.65 (04/01 - 04/30) 2.1 (05/01 - 08/31) 0.6 (09/01 - 11/30)

**Background:**

On March 10, 2021, the CWCB formed its intent to appropriate instream flow (ISF) water rights on three stream segments in Water Divisions 2 and 4 that were not contested. BLM, CPW, and HCCA recommended these streams for inclusion into the CWCB's Instream Flow and Natural Lake Level Program. Pursuant to ISF Rule 5h., the three uncontested stream segments described in Table 1 are being recommended to the Board for Final Action.

**Technical Investigations**

The Board was provided detailed information regarding all field data, studies, and analyses for each stream segment at its March 10, 2021 Board meeting. A brief overview of the analyses is provided below.

**Natural Environment Studies**

The recommending entities conducted field surveys on these streams and found natural environments that can be preserved to a reasonable degree. To quantify the resources and to evaluate instream flow requirements, the recommenders collected biologic and hydraulic data and analyzed the data. CWCB staff reviewed all analyses and prepared recommendations for the amount of water necessary to preserve the natural environment to a reasonable degree for each of the streams.

**Water Availability Studies**

The CWCB staff conducted evaluations of water availability for these streams. To determine the amount of water physically available for the Board's appropriations, staff analyzed available USGS gage records, streamflow models, and CWCB gaging and streamflow measurements records. In addition, staff analyzed existing water rights and consulted with the Division Engineer's Office in each water division to identify any potential water availability problems. Staff used this information to develop a hydrograph showing the amount of water available for each of the recommendations. Based upon its analysis, 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 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.

Attachments: Trappers Crossing Homeowners Association Stipulation



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

---

**IN THE MATTER OF PROPOSED INSTREAM FLOW APPROPRIATION IN WATER  
DIVISION NO. 4:**

**WILDCAT CREEK  
(outlet of Green Lake to confluence with Coal Creek)**

**GUNNISON COUNTY, COLORADO**

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**STIPULATION AND AGREEMENT BETWEEN THE STAFF OF THE COLORADO  
WATER CONSERVATION BOARD AND TRAPPERS CROSSING HOMEOWNERS  
ASSOCIATION**

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Staff for the Colorado Water Conservation Board (“Staff”) and Trappers Crossing Homeowners Association (the “HOA”), by and through their respective counsel, hereby stipulate and agree as follows:

1. Staff will recommend to the CWCB Board that the following provisions be included in the CWCB’s final determination to appropriate an instream flow water right for Wildcat Creek from the outlet of Green Lake to the confluence with Coal Creek (“Instream Flow Water Right”), and in any subsequent Water Court applications, filings, and decrees related thereto:

a. The HOA and its members divert water from wells, springs, and Trapper Creek pursuant to a plan for augmentation decreed in Case No. 89CW129 as amended in Case No. 01CW66, Water Division 4 (“Augmentation Plan”). Diversions from existing or future wells and other structures augmented by direct exchange pursuant to the Augmentation Plan, including, but not limited to, diversions for fire protection, are not subject to a call from this Instream Flow Water Right, and the HOA and its members are not required to provide replacement water to this Instream Flow Water Right for such diversions.

b. Any of the HOA’s or its members’ existing or future wells permitted under section 37-92-602, C.R.S., that are exempt from priority administration are not subject to a call from this Instream Flow Water Right.

2. The above provisions may be adjusted for consistency in naming conventions, defined terms, or other stylistic or formatting conventions as appropriate for inclusion in subsequent Water Court applications, filings, and decrees.

3. In consideration of the mutual promises contained herein, the HOA agrees to not oppose or contest the appropriation of this Instream Flow Water Right before the CWCB Board or in any Water Court proceeding to adjudicate this Instream Flow Water Right. Provided, however, the

HOA reserves the right to file a statement of opposition in any such Water Court adjudication for the sole purpose of ensuring that any decree entered is consistent with the terms of this Stipulation and Agreement.

4. In the event the CWC Board declines to adopt Staff's recommendation to include the provisions referenced above in its final action on this Instream Flow Water Right, this Stipulation is void and the HOA reserves the right to file a Notice to Contest this Instream Flow Water Right appropriation, and Staff agrees that it will support the HOA's late filing of such Notice to Contest, including, if necessary, modifying the contested appropriation deadlines.

5. Nothing in this Stipulation and Agreement affects or changes the existing instream flow water right on Coal Creek decreed in Case No. 80CW102, Water Division 5, or the terms and conditions included in the Augmentation Plan related to the protection of the same.

6. This Stipulation and Agreement shall be binding upon and inure to the benefit of the parties and their successors, agents, and assigns.

7. 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 28th day of May, 2021.

OFFICE OF THE COLORADO  
ATTORNEY GENERAL  
*Counsel for Staff of the Colorado Water  
Conservation Board*



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LAW OF THE ROCKIES  
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# COLORADO

## Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718, Denver, Colorado 80203  
Phone: (303) 866-3441 \* Fax: (303) 866-4474  
[www.cwcb.state.co.us](http://www.cwcb.state.co.us)

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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 to be considered for instream flow (ISF) appropriations in 2020. At the January 2020 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate instream flow water rights for the streams listed on the attached Instream Flow Appropriation List. The attached list contains a description of the Instream Flow Recommendations including water division, stream name, watershed, county, length, upper terminus, and lower terminus.

Copies of the available Instream Flow Recommendations and Appendices of data submitted into the Official CWCB Record can be reviewed 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. The Instream Flow Recommendations are also available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2020ProposedISFRecommendations.aspx>

In addition to the above Instream Flow 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 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, 2020, 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, 2020 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2020 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 2020 Board meeting.

Note that section 37-92-102 (3) (b), C.R.S. (2018) 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.”

The schedule set forth in (d), (e), and (f) above will apply to streams on which the CWCB declares its intent to appropriate water rights in January 2020. Should you wish to comment on the proposed ISF Recommendations or request more information on the applicability of section 37-92-102(3)(b) to present uses of water in or above the proposed instream flow segments, you may do so by writing Rob Viehl, of the Board's staff at the address given above or by sending your comments by email to [rob.viehl@state.co.us](mailto: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 Rob Viehl, or sign up online at:

<https://dnrweb.state.co.us/DNR/DNRPortal/Login.aspx>

#### Instream Flow Recommendations 2020

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Indian Creek	Upper South Platte	Park	2.74	headwaters	confluence Willow Gulch
1	McCurdy Creek	Upper South Platte	Park	3.37	headwaters	confluence Lost Creek
1	North Fork Little Thompson River	Big Thompson	Larimer	11.9	headwaters	confluence Little Thompson River
1	Platte Gulch	South Platte Headwaters	Park	1.54	headwaters	confluence MF South Platte River
1	Spring Canyon	Cache La Poudre	Larimer	2.40	headwaters	confluence Horsetooth Reservoir
1	Sulzer Gulch	Big Thompson	Larimer	3.73	headwaters	confluence Big Thompson River
1	Unnamed Tributary to Duck Creek*	Upper South Platte	Clear Creek	0.22	outlet of Upper Square Top Lake	inlet of Upper Square Top Lake

1	Unnamed Tributary to Duck Creek	Upper South Platte	Clear Creek	1.08	outlet of Lower Square Top Lake	inlet of Duck Lake
2	Beaver Creek	Upper Arkansas	Fremont	8.91	confluence East Beaver Creek	confluence unnamed tributary
2	East Fork Arkansas River*	Arkansas Headwaters	Lake	6.46	headwaters	confluence Chalk Creek
2	Iowa Gulch*	Arkansas Headwaters	Lake	3.61	headwaters	Iowa Gulch intake
2	West Beaver Creek	Upper Arkansas	Fremont Teller	7.49	confluence Douglas Gulch	confluence East Beaver Creek
4	Cement Creek* (Increase)	East-Taylor	Gunnison	17.4	headwaters	confluence East River
4	Cottonwood Creek	Lower Gunnison	Delta Montrose	23.3	Hawkins Ditch headgate	confluence Roubideau Creek
4	Cow Creek	Uncompahgre	Ouray	11.8	USFS Property boundary	confluence Uncompahgre River
4	Gold Creek	Tomichi	Gunnison	0.45	Tarkington Ditch headgate	confluence Quartz Creek
4	Kelso Creek	Lower Gunnison	Mesa	9.89	headwaters	confluence Bear Gulch
4	Monitor Creek	Lower Gunnison	Montrose	9.44	USFS Property Boundary	confluence Potter Creek
4	Naturita Creek	San Miguel	San Miguel	11.0	headwaters	Norwood Road Crossing
4	Naturita Creek	San Miguel	Montrose San Miguel	16.5	Norwood Road Crossing	confluence San Miguel River
4	Pine Creek*	Upper Gunnison	Gunnison	16.7	headwaters	confluence Morrow Point Reservoir
4	Potter Creek	Lower Gunnison	Montrose	9.82	USFS Property Boundary	confluence Roubideau Creek
4	Spring Creek* (Increase)	East-Taylor	Gunnison	3.18	confluence Rocky Brook Creek	confluence Bear Creek
4	Spring Creek* (Increase)	East-Taylor	Gunnison	8.17	confluence Bear Creek	confluence Taylor River
4	Spring Creek	San Miguel	Montrose	12.4	headwaters	confluence Tabeguache Creek

6	Bear Creek*	Upper White	Garfield	3.09	headwaters	confluence NF White River
6	Big Fish Creek*	Upper White	Garfield	4.30	headwaters	confluence NF White River
6	East Marvine Creek*	Upper White	Rio Blanco	7.31	headwaters	confluence Marvine Creek
6	Hauskins Creek	Upper White	Garfield	2.11	headwaters	confluence NF White River
6	Hill Creek*	Upper White	Rio Blanco	3.84	headwaters	Hill Creek Ditch #2 & #3 headgate
6	Lynx Creek	Upper White	Garfield	1.58	headwaters	confluence NF White River
6	Milk Creek	Lower Yampa	Moffat	4.11	confluence Wilson Creek	confluence Yampa River
6	Mirror Creek*	Upper White	Rio Blanco	2.16	headwaters	confluence NF White River
6	Morapos Creek	Upper Yampa	Moffat Rio Blanco	26.2	headwaters	confluence Williams Fork
6	Pagoda Creek	Upper Yampa	Rio Blanco	10.3	headwaters	confluence SF Williams Fork
6	Paradise Creek*	Upper White	Garfield Rio Blanco	3.16	headwaters	confluence NF White River
6	Piceance Creek	Piceance-Yellow	Garfield Rio Blanco	6.93	headwaters	confluence unnamed tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	confluence unnamed tributary	confluence Cow Creek
6	Picket Pin Creek	Upper White	Garfield	2.66	headwaters	confluence NF White River
6	Rough Creek	Upper Yampa	Rio Blanco	4.93	headwaters	confluence Poose Creek
6	South Fork White River	Upper White	Rio Blanco	8.07	Flat Tops Wilderness Area Boundary	confluence Swede Creek
6	South Fork Williams Fork	Upper Yampa	Rio Blanco	8.06	headwaters	confluence Pagoda Creek

6	South Fork Williams Fork	Upper Yampa	Routt	4.67	confluence Beaver Creek	confluence Williams Fork
6	Sunbutter Creek*	Upper Yampa	Rio Blanco	2.56	headwaters	Bunker Ditch headgate
6	Waddle Creek	Upper Yampa	Moffat	10.8	headwaters in vicinity	confluence Williams Fork
6	Watson Creek	Upper Yampa	Routt	5.86	confluence Moody Creek	Hardscrabble Ditch headgate
6	Williams Fork	Upper Yampa	Moffat	8.25	confluence Morapos Creek	confluence Yampa River
7	Rincon La Vaca Creek	Upper San Juan	Hinsdale	4.47	headwaters	confluence Los Pinos River

\*Recommendation received at January 2019 ISF Workshop



## COLORADO

### Colorado Water Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718, Denver, Colorado 80203

Phone: (303) 866-3441 \* Fax: (303) 866-4474

[www.cwcb.state.co.us](http://www.cwcb.state.co.us)

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) appropriations in 2020. At the January or March meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate ISF water rights for the streams listed on the Instream Flow Recommendation List below.

Information submitted to the CWCB is 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. This information is also available online at:

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/2020ProposedISFRecommendations.aspx>

In addition to the ISF 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 the ISF 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, 2020, 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, 2020 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2020 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 2020 Board meeting.



The schedule set forth in (d), (e), and (f) above will apply to streams on which the CWCB declares its intent to appropriate water rights in January 2020.

Note that section 37-92-102 (3) (b), C.R.S. (2019) 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](mailto:rob.viehl@state.co.us).

Should you wish to comment on the proposed ISF Recommendations, 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 submit your written comments to the Board. 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 2020

Water Div.	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	North Fork Little Thompson River	Big Thompson	Larimer	5.96	confluence unnamed tributary	confluence Little Thompson River
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters	confluence Chalk Creek
2	Iowa Gulch	Arkansas Headwaters	Lake	3.61	headwaters	Iowa Gulch intake
4	Cement Creek (Increase)	East-Taylor	Gunnison	17.4	headwaters	confluence East River
4	Cottonwood Creek (Increase)	Lower Gunnison	Delta, Montrose	23.3	Hawkins Ditch hdgt.	confluence Roubideau Creek
4	Kelso Creek	Lower Gunnison	Mesa	9.89	headwaters	confluence Bear Gulch
4	Monitor Creek	Lower Gunnison	Montrose	9.44	USFS Property Boundary	confluence Potter Creek
4	Potter Creek (Increase)	Lower Gunnison	Montrose	9.82	USFS Property Boundary	confluence Roubideau Creek
4	Spring Creek (Increase)	East-Taylor	Gunnison	3.18	confluence Rocky Brook Creek	confluence Bear Creek
4	Spring Creek (Increase)	East-Taylor	Gunnison	8.17	confluence Bear Creek	confluence Taylor River

4	Spring Creek	San Miguel	Montrose	12.4	headwaters	confluence Tabeguache Creek
6	Bear Creek	Upper White	Garfield	3.09	headwaters	confluence NF White River
6	Hauskins Creek	Upper White	Garfield	2.11	headwaters	confluence NF White River
6	Lynx Creek	Upper White	Garfield	1.58	headwaters	confluence NF White River
6	Mirror Creek	Upper White	Rio Blanco	2.16	headwaters	confluence 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	confluence unnamed tributary
6	Piceance Creek	Piceance- Yellow	Rio Blanco	3.83	confluence unnamed tributary	confluence Cow Creek
6	Picket Pin Creek	Upper White	Garfield	2.66	headwaters	confluence NF White River
6	Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	2.56	headwaters	Bunker Ditch hdgt.



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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 to be considered for instream flow (ISF) appropriations in 2021. At the January 2021 meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate ISF water rights for the streams listed on the attached ISF recommendation List. The attached list contains a description of the ISF recommendations including water division, stream name, watershed, county, length, upper terminus, and lower terminus.

Copies of the available ISF recommendations and data submitted into the Official CWCB Record can be reviewed by the public during regular business hours (8:00 a.m. - 5:00 p.m.) at the CWCB's office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203. The ISF Recommendations are also available online at: <https://cwcb.colorado.gov/2021-isf-recommendations>

In addition to the ISF recommendations, 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 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, 2021, 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, 2021 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2021 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 2021 Board meeting.

Note that section 37-92-102 (3) (b), C.R.S. (2019) 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](mailto:rob.viehl@state.co.us).

The schedule set forth in (d), (e), and (f) above will apply to streams on which the CWCB declares its intent to appropriate water rights in January 2021. Should you wish to comment on the proposed ISF Recommendations or request more information on the applicability of section 37-92-102(3)(b) to present uses of water in or above the proposed ISF segments, you may do so by writing Rob Viehl, of the Board's staff at the address given above or by sending your comments by email to [rob.viehl@state.co.us](mailto: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 ISF Subscription Mailing List and you would like to be, please contact Rob Viehl, or sign up online at: <https://dwr.state.co.us/Portal/Login/>

#### ISF Recommendations 2021

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Dry Gulch*	Clear Creek	Clear Creek	2.83	headwaters	confluence Clear Creek
1	Garber Creek*	Upper South Platte	Douglas	4.75	confluence North & South Garber Creeks	confluence West Plum Creek
1	Herman Gulch* (Increase)	Clear Creek	Clear Creek	3.64	headwaters	confluence Clear Creek
1	North Fork Little Thompson River	Big Thompson	Larimer	5.96	confluence unnamed tributary	confluence Little Thompson River
1	Platte Gulch	South Platte Headwaters	Park	1.54	headwaters	confluence MF South Platte River
1	Redstone Creek*	Big Thompson	Larimer	16.3	headwaters	confluence Buckhorn Creek
1	Spring Canyon	Cache La Poudre	Larimer	2.40	headwaters	confluence Horsetooth Reservoir
1	Sulzer Gulch	Big Thompson	Larimer	3.73	headwaters	confluence 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

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	West Plum Creek*	Upper South Platte	Douglas	22.6	headwaters	confluence East Plum Creek
2	Cottonwood Creek*	Arkansas Headwaters	Custer	6.00	headwaters	F. Keuhn Ditch No. 2 headgate
2	Cottonwood Creek*	Arkansas Headwaters	Fremont	9.42	confluence Salt Creek	Giem Ditch headgate
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters	confluence Chalk Creek
2	East Gulch*	Arkansas Headwaters	Fremont	8.81	confluence Antelope Gulch	confluence Arkansas River
4	Beaver Dams Creek*	Uncompahgre	Ouray	3.29	headwaters	confluence East Fork Dry Creek
4	Big A Creek*	San Miguel	Montrose	1.42	headwaters	confluence Red Canyon Creek
4	Cottonwood Creek (Increase)	Lower Gunnison	Delta, Montrose	23.3	Hawkins Ditch headgate	confluence Roubideau Creek
4	Cow Creek	Uncompahgre	Ouray	11.8	USFS Property boundary	confluence Uncompahgre River
4	Curecanti Creek* (Increase)	Upper Gunnison	Gunnison	21.4	headwaters	confluence Morrow Point Reservoir
4	East Fork Dry Creek*	Uncompahgre	Montrose, Ouray	3.11	headwaters	confluence Beaver Dams Creek
4	East Muddy Creek*	North Fork Gunnison	Gunnison	6.32	confluence Lee Creek	confluence West Muddy Creek
4	Elk Creek*	East-Taylor	Gunnison	2.66	headwaters	confluence Coak Creek
4	Gold Creek	Tomichi	Gunnison	0.45	Tarkington Ditch headgate	confluence Quartz Creek
4	Kelly Creek*	San Miguel	Montrose	1.59	headwaters	confluence Red Canyon Creek
4	Little Cimarron River (Increase)	Upper Gunnison	Gunnison	2.49	confluence Van Boxel Creek	Butte Ditch headgate
4	Little Cimarron River	Upper Gunnison	Gunnison, Montrose	6.56	Butte Ditch headgate	confluence 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

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
4	Monitor Creek	Lower Gunnison	Montrose	9.44	USFS Property Boundary	confluence Potter Creek
4	Naturita Creek (Increase)	San Miguel	San Miguel	11.0	headwaters	Norwood Road Crossing
4	Naturita Creek	San Miguel	Montrose, San Miguel	20.2	Norwood Road Crossing	confluence San Miguel River
4	Pine Creek	Upper Gunnison	Gunnison	16.7	headwaters	confluence Morrow Point Reservoir
4	Potter Creek (Increase)	Lower Gunnison	Montrose	9.82	USFS Property Boundary	confluence Roubideau Creek
4	Red Canyon*	San Miguel	Montrose	3.25	headwaters	confluence Big A Creek
4	Spring Creek	San Miguel	Montrose	7.47	headwaters	Crabtree Ditch headgate
4	West Hubbard Creek*	North Fork Gunnison	Delta	2.32	headwaters	Overland Ditch
4	West Muddy Creek*	North Fork Gunnison	Gunnison	5.52	confluence Ault Creek	confluence East Muddy Creek
4	Wildcat Creek*	East-Taylor	Gunnison	2.48	Outlet of Green Lake	confluence Coal Creek
6	Bear Creek	Upper White	Garfield	3.09	headwaters	confluence NF White River
6	Big Fish Creek	Upper White	Garfield	4.30	headwaters	confluence NF White River
6	East Marvine Creek	Upper White	Rio Blanco	7.31	headwaters	confluence Marvine Creek
6	Hauskins Creek	Upper White	Garfield	2.11	headwaters	confluence NF White River
6	Hill Creek	Upper White	Rio Blanco	3.84	headwaters	Hill Creek Ditch #2 & #3 headgate
6	Lynx Creek	Upper White	Garfield	1.58	headwaters	confluence NF White River
6	Milk Creek	Lower Yampa	Moffat	4.11	confluence Wilson Creek	confluence Yampa River
6	Mirror Creek	Upper White	Rio Blanco	2.16	headwaters	confluence NF White River
6	Paradise Creek	Upper White	Garfield, Rio Blanco	2.98	headwaters	Paradise Ponds Diversion Headgate

Div.	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
6	Piceance Creek	Piceance-Yellow	Garfield, Rio Blanco	6.93	headwaters	confluence unnamed tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	confluence unnamed tributary	confluence Cow Creek
6	Picket Pin Creek	Upper White	Garfield	2.66	headwaters	confluence NF White River
6	South Fork White River	Upper White	Rio Blanco	8.07	Flat Tops Wilderness Area Boundary	confluence Swede Creek
6	Watson Creek	Upper Yampa	Routt	5.86	confluence Moody Creek	Hardscrabble Ditch headgate
7	Rincon La Vaca Creek	Upper San Juan	Hinsdale	4.47	headwaters	confluence Los Pinos River

\*Recommendation received at January 2020 ISF Workshop



## 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 to be considered for instream flow (ISF) appropriations in 2021. At the January meeting of the Colorado Water Conservation Board (CWCB), staff may request that the Board form its intent to appropriate ISF water rights for the streams listed on the Instream Flow Recommendation List below.

Information submitted to the CWCB is 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. This information is also available online at:

<https://cwcb.colorado.gov/2021-isf-recommendations>

In addition to the ISF 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 the ISF 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, 2021, 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, 2021 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2021 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 2021 Board meeting.



The schedule set forth in (d), (e), and (f) above will apply to streams on which the CWCB declares its intent to appropriate water rights in January 2021.

Note that section 37-92-102 (3) (b), C.R.S. (2020) 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](mailto:rob.viehl@state.co.us).

Should you wish to comment on the proposed ISF Recommendations, 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 submit your written comments to the Board. 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 2021

Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
1	Dry Gulch (headwaters to the confluence with Clear Creek)	CPW	Clear Creek	2.83
1	North Fork Little Thompson River (confluence Beartrap Gulch to the confluence Little Thompson River)	CPW, Larimer County	Larimer	4.51
1	Redstone Creek (headwaters to the confluence with Buckhorn Creek)	CPW, Larimer County	Larimer	16.33
2	East Fork Arkansas River (headwaters to confluence Chalk Creek)	BLM	Lake	6.46
4	Cottonwood Creek (Increase) (Hawkins Ditch headgate to confluence Roubideau Creek)	BLM	Delta, Montrose	23.3
4	Cow Creek (confluence with Nate Creek to the confluence with the Uncompahgre River)	CPW	Ouray	8.54
4	Elk Creek (headwaters to the confluence with Coal Creek)	HCCA	Gunnison	2.66
4	Gold Creek (Tarkington Ditch headgate to the confluence with Quartz Creek)	HCCA	Gunnison	0.45
4	Monitor Creek (U.S. Forest Service Property Boundary to confluence with Potter Creek)	BLM	Montrose	9.44

Water Div.	Stream Name (Segment Upper/Lower Termini)	Recommending Entity	County	Length (miles)
4	Potter Creek (Increase) (U.S. Forest Service Property Boundary to confluence Monitor Creek)	BLM	Montrose	8.1
4	Potter Creek (Increase) (confluence with Monitor Creek to confluence with Roubideau Creek)	BLM	Montrose	1.72
4	Spring Creek (headwaters to Crabtree Ditch headgate)	BLM	Montrose	7.47
4	Wildcat Creek (outlet of Green Lake to the confluence with Coal Creek)	HCCA	Gunnison	2.48
6	Watson Creek (confluence with Moody Creek to the Hardscrabble Ditch headgate)	BLM	Routt`	5.86
7	Rincon La Vaca (headwaters to the confluence with the Los Pinos River)	CPW	Hinsdale	4.47

BLM = Bureau of Land Management; CPW = Colorado Parks and Wildlife; HCCA = High Country Conservation Advocates



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## NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2021 Instream Flow Appropriations in Water Divisions 2, and 4

Date: March 16, 2021

At its March 10-11, 2021 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on three stream segments. The attached ISF table provides the water division, stream name, watershed, county, length, upper terminus, lower terminus, and flow rates for all of these stream segments. Copies of the Instream Flow Recommendations and appendices of data submitted into the Official CWCB Record are available online at: <https://cwcb.colorado.gov/2021-isf-recommendations>. Information can also be reviewed by appointment at the Colorado Water Conservation Board's Office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203.

In addition to the above Instream Flow 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 June 1, 2021. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than June 30, 2021.

(e) Staff will announce its Final staff Instream Flow Recommendation concerning contested appropriations at the November 2021 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 July 2021 Board meeting.

A notice to contest an ISF 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 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.

Note that section 37-92-102 (3) (b), C.R.S. (2020) 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 CWCB address noted above or via email to [rob.viehl@state.co.us](mailto:rob.viehl@state.co.us).

Should you wish to comment on the proposed ISF 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, please contact Rob Viehl, or sign up online at: <https://dwr.state.co.us/Portal/Login/>

#### Instream Flow Recommendations

Water Div	Stream	Watershed	County	Length (miles)	Upper Terminus (UTM)	Lower Terminus (UTM)	Flow Rate, cfs (Timing)
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters in the vicinity of: E: 399540.97 N: 4353749.78	confl Chalk Creek at E: 394793.07 N: 4356126.94	0.25 (12/16 - 04/30) 7 (05/01 - 07/31) 2.8 (08/01 - 09/20) 0.7 (09/21 - 12/15)
4	Cow Creek	Uncompahgre	Ouray	7.4	confl Lou Creek at E: 265665.02 N: 4231002.60	confl Uncompahgre River at E: 258039.02 N: 4237591.58	7.2 (01/01 - 03/31) 20 (04/01 - 04/30) 53 (05/01 - 06/30) 20 (07/01 - 07/31) 15 (08/01 - 08/15) 7.2 (08/16 - 08/28) 5.9 (08/29 - 09/19) 7.2 (09/20 - 12/31)
4	Wildcat Creek	East-Taylor	Gunnison	2.48	outlet of Green Lake at E: 323800.20 N: 4301420.95	confl Coal Creek at E: 325687.24 N: 4304206.95	0.35 (12/01 - 03/31) 0.65 (04/01 - 04/30) 2.1 (05/01 - 08/31) 0.6 (09/01 - 11/30)