



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

November 15, 2022

1313 Sherman Street, Room 718, Denver, Colorado 80203

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

Pursuant to ISF Rule 5c. of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, this notice identifies the streams and lake to be considered for instream flow (ISF) and natural lake level (NLL) appropriations in 2023. 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 and NLL water rights for the streams listed in table 1, and the lake listed in table 2 below.

Information submitted to the CWCB is available online at:

<https://cwcb.colorado.gov/2023-isf-recommendations>

In addition to the ISF & NLL 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, 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.

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 2023. If the CWCB declares its intent to appropriate water rights at its March 2023 meeting a modified schedule will be used.

Note that section 37-92-102 (3) (b), C.R.S. (2021) 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.

Should you wish to comment on the proposed ISF or NLL 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 sign up here:

<https://dwr.state.co.us/Portal/cwcb/NotificationLists>

Table 1. Instream Flow Recommendations

Water Div	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Herman Gulch (Increase)	Clear	Clear Creek	3.64	headwaters	confl Clear Creek
1	Square Top Creek	Upper South Platte	Clear Creek	1.08	outlet of Lower Square Top Lake	inlet of Duck Lake
4	Cameron Creek	East-Taylor	Gunnison	3.69	headwaters	confl Lottis Creek
4	Cottonwood Creek (Increase)	Lower Gunnison	Delta Montrose	23.3	Hawkins Ditch hdgt	confl Roubideau Creek
4	Cross Creek	East-Taylor	Gunnison	2.48	headwaters	confl Lottis Creek
4	Curecanti Creek (Increase)	Upper Gunnison	Gunnison	9.90	headwaters	confl Commissary Gulch
4	Curecanti Creek (Increase)	Upper Gunnison	Gunnison	10.1	confl Commissary Gulch	confl Morrow Point Reservoir
4	Kelly Creek	San Miguel	Montrose	1.59	headwaters	confl Red Canyon Creek
4	Monitor Creek	Lower Gunnison	Montrose	9.44	USFS Property Boundary	confl Potter Creek

Water Div	Stream Name	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
4	Red Canyon Creek	San Miguel	Montrose	8.57	headwaters	confl Big A Creek
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	Van Boxel Creek (Increase)	Upper Gunnison	Gunnison	7.75	headwaters	confl Little Cimarron River
4	West Steuben Creek	Upper Gunnison	Gunnison	5.39	headwaters	confl Stueben Creek
6	Piceance Creek	Piceance-Yellow	Garfield Rio Blanco	3.67	headwaters	confl unnamed tributary
6	Piceance Creek	Piceance-Yellow	Rio Blanco	3.83	confl unnamed tributary	confl Cow Creek

Table 2. Natural Lake Level Recommendation

Water Div	Waterbody Name	Watershed	County	Location (Center-point) (NAD 1983 Zone 13 North)
5	Hack Lake	Colorado Headwaters	Garfield	UTM-East: 316816.32 UTM-North: 4409994.98