

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, Water Resource Specialist Stream and Lake Protection Section

DATE: May 20, 2020

AGENDA ITEM: 8. Uncontested 2020 Instream Flow Appropriation in Water Divisions 4 & 6

Staff Recommendation: Staff requests that the Board make the following determinations and take the following actions on each of the appropriations identified in the attached tables. The information necessary to support these determinations is contained in this memo, the recommendation letters and documentation submitted by the Bureau of Land Mangement (BLM), Colorado Parks and Wildlife (CPW), and High Country Conservation Advocates (HCCA), and in staff's oral and written presentations provided at the January 27, 2020 Board meeting.

- (1) Determine, pursuant to section 37-92-102(3), C.R.S. (2019), that for each ISF appropriation identified in the attached table:
 - (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 January 27, 2020 as the appropriation date for these water rights.
- (3) Request staff to work with the Attorney General's office to file an application for these water rights in water court by the end of the calendar year.

Background: On January 27, 2020, the CWCB formed its intent to appropriate instream flow (ISF) water rights on five stream segments in Water Divisions 4 and 6 that were not contested. The 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 five uncontested stream segments described in the attached tables 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 January 27, 2020 Board meeting. A brief overview of the analyses is provided below.



Interstate Compact Compliance • Watershed Protection • Flood Planning & Mitigation • Stream & Lake Protection

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. <u>Date of Appropriation</u>. 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. <u>Final Board Action on an ISF Recommendation</u>. 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. <u>Required Findings.</u> Before initiating a water right filing to confirm its appropriation, the Board must make the following determinations:

(1) <u>Natural Environment.</u> That there is a natural environment that can be preserved to a reasonable degree with the Board's water right if granted.

(2) <u>Water Availability</u>. That the natural environment will be preserved to a reasonable degree by the water available for the appropriation to be made.

(3) <u>Material Injury.</u> 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. (2019).



Water

Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 4



Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
(increase)	Cement Creek	East-Taylor	Gunnison	headwaters in the vicinity of E: 346437.58 N: 4314893.95	confl East River at E: 336739.49 N: 4296619.14	17.35	3 (04/15 - 07/10)	01/27/2020
	Kelso Creek	Lower Gunnison	Mesa	headwaters in the vicinity of E: 185287.30 N: 4271192.67	confl Bear Gulch at E: 197851.54 N: 4276621.43	9.89	0.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)	01/27/2020
(increase)	Spring Creek	East-Taylor	Gunnison	confl Rocky Brook Creek at E: 351947.60 N: 4301609.78	confl Bear Creek at E: 349182.58 N: 4298075.72	3.18	6.5 (04/01 - 09/30)	01/27/2020
(increase)	Spring Creek	East-Taylor	Gunnison	confl Bear Creek at E: 349182.58 N: 4298075.72	confl Taylor River at E: 345706.96 N: 4287535.69	8.17	13.5 (04/01 - 07/31)	01/27/2020
	Totals for Water Div	vision 4		Total # Increase = 3				
	Number (increase) (increase)	Number Stream (increase) Cement Creek (kelso Creek Spring Creek (increase) Spring Creek	Number Stream Watershed (increase) Cement Creek East-Taylor (increase) Kelso Creek Lower Gunnison (increase) Spring Creek East-Taylor Spring Creek East-Taylor Spring Creek East-Taylor	NumberStreamWatershedCounty(increase)Cement CreekEast-TaylorGunnison(increase)Kelso CreekLower GunnisonMesa(increase)Spring CreekEast-TaylorGunnison(increase)Spring CreekEast-TaylorGunnison	NumberStreamWatershedCountyUpper Terminus (UTM)(increase)Cement CreekEast-TaylorGunnisonheadwaters in the vicinity of E: 346437.58 N: 4314893.95(increase)Kelso CreekLower GunnisonMesaheadwaters in the vicinity of E: 185287.30 N: 4271192.67(increase)Spring CreekEast-TaylorGunnisonconfl Rocky Brook Creek at E: 351947.60 N: 4301609.78(increase)Spring CreekEast-TaylorGunnisonconfl Bear Creek at E: 349182.58 N: 4298075.72(increase)Totals for Water Division 4Total # Appropriations = 4 Total # Appropriation Stream Total # Increase = 3	NumberStreamWatershedCountyUpper Terminus (UTM)Lower Terminus (UTM)(increase)Cement CreekEast-TaylorGunnisonheadwaters in the vicinity of E: 346437.58 N: 4314893.95confl East River at E: 336739.49 N: 4296619.14(increase)Kelso CreekLower GunnisonMesaheadwaters in the vicinity of E: 185287.30 N: 4271192.67confl Bear Gulch at E: 197851.54 N: 4276621.43(increase)Spring CreekEast-TaylorGunnisonconfl Rocky Brook Creek at E: 319147.60 N: 4301609.78confl Bear Creek at E: 349182.58 N: 4298075.72(increase)Spring CreekEast-TaylorGunnisonconfl Bear Creek at E: 349182.58 N: 4298075.72confl Taylor River at E: 349182.58 N: 4298075.72(increase)Totals for Water Division 4Total # Appropriations = 4 Total # Appropriation Stream Miles = 38.6	NumberStreamWatershedCountyUpper Terminus (UTM)Lower Terminus (UTM)(miles)(increase)Cement CreekEast-TaylorGunnisonheadwaters in the vicinity of E: 346437.58 N: 4314893.95confl East River at E: 336739.49 N: 4296619.1417.35(increase)Kelso CreekLower GunnisonMesaheadwaters in the vicinity of E: 185287.30 N: 4271192.67confl Bear Gulch at E: 197851.54 N: 4276621.439.89(increase)Spring CreekEast-TaylorGunnisonConfl Bocky Brook Creek at E: 351947.60 N: 4301609.78confl Bear Creek at E: 349182.58 N: 4298075.72confl Taylor River at E: 345706.96 N: 4287535.693.18(increase)Spring CreekEast-TaylorGunnisonconfl Bear Creek at E: 349182.58 N: 4298075.72confl Taylor River at E: 345706.96 N: 4287535.698.17(increase)Totals for Water Division 4Total # Appropriations = 4 Total # Appropriation Stream Miles = 38.6 Total # Increase = 3Total # Appropriation StreamMiles = 38.6	NumberStreamWatershedCountyUpper Terminus (UTM)Lower Terminus (UTM)(miles)(CFS)(increase)Cement CreekEast-TaylorGunnisonheadwaters in the vicinity of E: 346437.58 N: 4314893.95confl East River at E: 336739.49 N: 4296619.1417.353 (04/15 - 07/10)(increase)Kelso CreekLower GunnisonMesaheadwaters in the vicinity of E: 185287.30 N: 4271192.67confl East River at E: 30739.499.890.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)(increase)Spring CreekEast-TaylorGunnisonconfl Rocky Brook Creek at E: 3151947.60 N: 4301609.78confl Bear Creek at E: 349182.58 N: 4308075.723.186.5 (04/01 - 09/30) E: 349182.58 N: 4298075.72(increase)Spring CreekEast-TaylorGunnisonconfl Bear Creek at E: 349182.58 N: 4298075.72confl Taylor River at E: 349182.58 N: 4298075.728.1713.5 (04/01 - 07/31) E: 345706.96(increase)Totals for Water Division 4For the second se

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)		Approp Date
6		Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	headwaters in the vicinity of E: 317262.91 N: 4450351.49	Bunker Ditch hdgt at E: 314434.46 N: 4450579.57	2.14	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)	
		Totals for Water Division	6		Total # Appropriations = 1 Total # Appropriation Strear Total # Increase = 0 Total # Increase Stream Mile				
		Totals Divisions: 4 & 6			Total # Appropriations = 5 Total # Appropriation Strear Total # Increase = 3 Total # Increase Stream Mile				



Water

Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 4



Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)	Amount(dates) (CFS)	Approp Date
(increase)	Cement Creek	East-Taylor	Gunnison	headwaters in the vicinity of E: 346437.58 N: 4314893.95	confl East River at E: 336739.49 N: 4296619.14	17.35	3 (04/15 - 07/10)	01/27/2020
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Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (miles)		Approp Date
6		Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	headwaters in the vicinity of E: 317262.91 N: 4450351.49	Bunker Ditch hdgt at E: 314434.46 N: 4450579.57	2.14	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)	
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		Totals Divisions: 4 & 6			Total # Appropriations = 5 Total # Appropriation Strear Total # Increase = 3 Total # Increase Stream Mile				



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Jared Polis, Governor Dan Gibbs, DNR Executive Director Rebecca Mitchell, CWCB Director

TO:Colorado Water Conservation Board MembersFROM:Rob Viehl, Water Resource Specialist
Stream and Lake Protection SectionDATE:March 11-12, 2020AGENDA ITEM:11. Public Comment on 2020 Instream Flow Appropriations in
Water Divisions 2, 4, and 6

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

Background: At its January 27, 2020 meeting, the Board declared its intent to appropriate 6 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). Detailed information regarding these stream segments is available on the CWCB website located at: <u>https://cwcb.colorado.gov/2020-isf-recommendations</u>

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 March 31, 2020. Staff will ask the Board to take final action on all uncontested ISF appropriations at its May 2020 meeting.

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
2	Iowa Gulch	Arkansas Headwaters	Lake	3.61	headwaters	Iowa Gulch intake	1.7 (05/01 - 09/15) 1.0 (09/16 - 04/30)
4	Cement Creek (Increase)	East-Taylor	Gunnison	17.4	headwaters	confluence East River	3.0 (04/15 - 07/10)
4	Kelso Creek	Lower Gunnison	Mesa	9.89	headwaters	confluence Bear Gulch	0.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)
4	Spring Creek (Increase)	East-Taylor	Gunnison	3.18	confluence Rocky Brook Creek	confluence Bear Creek	6.5 (04/01 - 09/30)
4	Spring Creek (Increase)	East-Taylor	Gunnison	8.17	confluence Bear Creek	confluence Taylor River	13.5 (04/01 - 07/31)
6	Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	2.14	headwaters	Bunker Ditch headgate	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)

Proposed Instream Flow Appropriations



Interstate Compact Compliance • Watershed Protection • Flood Planning & Mitigation • Stream & Lake Protection

Water Project Loans & Grants • Water Modeling • Conservation & Drought Planning • Water Supply Planning



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Jared Polis, Governor Dan Gibbs, DNR Executive Director Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members

FROM:	Linda Bassi, Chief Robert Viehl, Water Resource Specialist Stream and Lake Protection Section
DATE:	January 27, 2020
AGENDA ITEM:	10. 2020 Instream Flow Appropriations in Water Divisions 2, 4, and 6

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, 4, and 6. This work was performed 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). An executive summary that includes appendices of the supporting scientific data for each recommended stream segment has been provided to the Board separately, which includes the technical basis for each appropriation.

Staff Recommendation

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 attached Tabulation of Instream Flow Recommendations, and direct Staff to publicly notice the Board's declaration of its intent to appropriate.

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 seven stream segments. These stream segments are located in Water Divisions 2 (Lake County), 4 (Gunnison, Mesa, and Montrose Counties), and 6 (Rio Blanco County).

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:

 $\underline{http://cwcb.state.co.us/environment/instream-flow-program/Pages/2020ProposedISFRecommendations.aspx}$



Interstate Compact Compliance • Watershed Protection • Flood Planning & Mitigation • Stream & Lake Protection

Natural Environment Studies

The Bureau of Land Management, Colorado Parks and Wildlife, and High Country Conservation Advocates conducted field surveys of 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 biologic and 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.

On some of these streams, CWCB staff suggested modifications to the R2Cross biological flow recommendation due to water availability limitations. For these streams, staff met with the recommending entities to review the water availability analyses and discuss whether the modified recommendation 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 2019 and met with the County Commissioners for each county where the stream segments are located. In addition, staff contacted water commissioners, local landowners, 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. <u>Board's Intent to Appropriate</u>. 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 ISF 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, flow amounts, etc.);
 - (b) Availability (time and place) for review of Summary Reports and Investigations Files for each recommendation; 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 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 Board meeting.
- (4) After the Board declares its intent to appropriate, notice of the Board's action shall be mailed within five working days to the County Commissioners of the county(ies) in which the proposed reach is located.
- (5) Final action by the Board on ISF appropriations will occur no earlier than the May Board Meeting.



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 2



Water Court Div	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
2		Iowa Gulch	Arkansas Headwaters	Lake	headwaters in vicinity of E: 398270.52 N: 4343774.07	lowa Gulch intake at E: 394280.86 N: 4342373.29	3.61	1.7 (05/01 - 09/15) 1 (09/16 - 04/30)	
		Totals for Water Division	n 2		Total # Appropriations = 1 Total # Appropriation Stream	m Miles = 3.6			

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
4	(increase)	Cement Creek	East-Taylor	Gunnison	headwaters in the vicinity of E: 346437.58 N: 4314893.95	confl East River at E: 336739.49 N: 4296619.14	17.35	3 (04/15 - 07/10)	
4		Kelso Creek	Lower Gunnison	Mesa	headwaters in the vicinity of E: 185287.30 N: 4271192.67	confl Bear Gulch at E: 197851.54 N: 4276621.43	9.89	0.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)	
4		Spring Creek	San Miguel	Montrose	headwaters in the vicinity of E: 187539.34 N: 4266062.60	Crabtree Ditch hdgt at E: 180820.03 N: 4258155.01	7.47	1.1 (03/15 - 05/31)	
4	(increase)	Spring Creek	East-Taylor	Gunnison	confl Rocky Brook Creek at E: 351947.60 N: 4301609.78	confl Bear Creek at E: 349182.58 N: 4298075.72	3.18	6.5 (04/01 - 09/30)	
4	(increase)	Spring Creek	East-Taylor	Gunnison	confl Bear Creek at E: 349182.58 N: 4298075.72	confl Taylor River at E: 345706.96 N: 4287535.69	8.17	13.5 (04/01 - 07/31)	
		Totals for Water Di	vision 4		Total # Appropriations = 5 Total # Appropriation Strear	m Miles = 46.1			

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
6		Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	headwaters in the vicinity of E: 317262.91 N: 4450351.49	Bunker Ditch hdgt at E: 314434.46 N: 4450579.57	2.14	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)	
		Totals for Water Division 6			Total # Appropriations = 1 Total # Appropriation Stream				
		Totals Divisions: 1 - 7			Total # Appropriations = 7 Total # Appropriation Strean	n Miles = 51.8			



Colorado Water Conservation Board Instream Flow Tabulation - Streams Water Division 2



Water Court Div	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
2		Iowa Gulch	Arkansas Headwaters	Lake	headwaters in vicinity of E: 398270.52 N: 4343774.07	lowa Gulch intake at E: 394280.86 N: 4342373.29	3.61	1.7 (05/01 - 09/15) 1 (09/16 - 04/30)	
		Totals for Water Division	n 2		Total # Appropriations = 1 Total # Appropriation Stream	m Miles = 3.6			

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
4	(increase)	Cement Creek	East-Taylor	Gunnison	headwaters in the vicinity of E: 346437.58 N: 4314893.95	confl East River at E: 336739.49 N: 4296619.14	17.35	3 (04/15 - 07/10)	
4		Kelso Creek	Lower Gunnison	Mesa	headwaters in the vicinity of E: 185287.30 N: 4271192.67	confl Bear Gulch at E: 197851.54 N: 4276621.43	9.89	0.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)	
4		Spring Creek	San Miguel	Montrose	headwaters in the vicinity of E: 187539.34 N: 4266062.60	Crabtree Ditch hdgt at E: 180820.03 N: 4258155.01	7.47	1.1 (03/15 - 05/31)	
4	(increase)	Spring Creek	East-Taylor	Gunnison	confl Rocky Brook Creek at E: 351947.60 N: 4301609.78	confl Bear Creek at E: 349182.58 N: 4298075.72	3.18	6.5 (04/01 - 09/30)	
4	(increase)	Spring Creek	East-Taylor	Gunnison	confl Bear Creek at E: 349182.58 N: 4298075.72	confl Taylor River at E: 345706.96 N: 4287535.69	8.17	13.5 (04/01 - 07/31)	
		Totals for Water Di	vision 4		Total # Appropriations = 5 Total # Appropriation Strear	m Miles = 46.1			

Water Court Div.	Case Number	Stream	Watershed	County	Upper Terminus (UTM)	Lower Terminus (UTM)	Length (Miles)	Amount(Dates) (CFS)	Approp Date
6		Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	headwaters in the vicinity of E: 317262.91 N: 4450351.49	Bunker Ditch hdgt at E: 314434.46 N: 4450579.57	2.14	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)	
		Totals for Water Division 6			Total # Appropriations = 1 Total # Appropriation Stream				
		Totals Divisions: 1 - 7			Total # Appropriations = 7 Total # Appropriation Strean	n Miles = 51.8			



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

то:	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.

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

Table 1: Instream Flow Recommendations 2020



Interstate Compact Compliance • Watershed Protection • Flood Planning & Mitigation • Stream & Lake Protection

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)	НССА	Gunnison	3.18
4	Spring Creek (Increase) (confluence Bear Creek to confluence Taylor River)	НССА	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



COLORADO Colorado Water **Conservation Board** Department of Natural Resources

1313 Sherman Street Denver, CO 80203

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Jared Polis, Governor

Dan Gibbs, DNR Executive Director

Rebecca Mitchell, CWCB Director

TO: Colorado Water Conservation Board Members FROM: Rob Viehl, Water Resource Specialist Stream and Lake Protection Section DATE: March 21, 2019 26. Notice of Instream Flow Recommendations for 2020 AGENDA ITEM:

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://cwcb.state.co.us/environment/instream-flowprogram/Pages/2020ProposedISFRecommendations.aspx

Length Watershed Stream County **Upper Terminus** (miles)

This is an informational item with no Board action required.

Div Lower Terminus Upper South confluence Willow 1 Indian Creek Park 2.74 headwaters Platte Gulch Upper South confluence Lost Park 1 McCurdy Creek 3.37 headwaters Platte Creek North Fork Little confluence Little 1 Big Thompson 11.9 Larimer headwaters Thompson River 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	Creek
					tributary	
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

NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2020 Instream Flow Appropriations in Water Divisions 2, 4, and 6

Date: February 3, 2020

At its January 27-28, 2020 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on six 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 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. In addition to the CWCB office, copies of the Instream Flow-program/Pages/2020ProposedISFRecommendations.aspx

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 <u>Rules Concerning the Colorado Instream Flow and Natural Lake Level Program adopted by the</u> <u>Colorado Water Conservation Board</u>, 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 March 31, 2020. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than April 30, 2020.

(e) Staff will announce its Final staff Instream Flow Recommendation concerning contested appropriations at the September 2020 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 May 2020 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. (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.

To comment on the proposed ISF Recommendations, you may do so by writing Rob Viehl of the Board's staff at the address given above or via email to <u>rob.viehl@state.co.us</u>. 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 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 sign up at:

https://dwr.state.co.us/Portal/Login/Login?ReturnUrl=%2fPortal%2fcwcb%2fNotificationLists

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow (CFS)
2	Iowa Gulch	Arkansas Headwaters	Lake	3.61	headwaters	lowa Gulch intake	1.7 (05/01 - 09/15) 1.0 (09/16 - 04/30)
4	Cement Creek (Increase)	East-Taylor	Gunnison	17.4	headwaters	confluence East River	3.0 (04/15 - 07/10)
4	Kelso Creek	Lower Gunnison	Mesa	9.89	headwaters	confluence Bear Gulch	0.85 (09/01 - 03/31) 2.4 (04/01 - 08/31)
4	Spring Creek (Increase)	East-Taylor	Gunnison	3.18	confluence Rocky Brook Creek	confluence Bear Creek	6.5 (04/01 - 09/30)
4	Spring Creek (Increase)	East-Taylor	Gunnison	8.17	confluence Bear Creek	confluence Taylor River	13.5 (04/01 - 07/31)
6	Unnamed Tributary to Bunker Creek	Upper Yampa	Rio Blanco	2.14	headwaters	Bunker Ditch hdgt	0.4 (12/01 - 04/30) 1.75 (05/01 - 07/31) 0.8 (08/01 - 11/30)

Instream Flow Recommendations



1313 Sherman Street, Room 718, Denver, Colorado 80203 Phone: (303) 866-3441 * Fax: (303) 866-4474 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-flowprogram/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 <u>ISF Rules</u>:

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.

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.

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	lowa 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

Instream Flow Recommendations 2020

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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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-flowprogram/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. 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

Div	Stream	Watershed	County	Length (miles)	Upper Lerminus	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

Instream Flow Recommendations 2020

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