



## COLORADO

Colorado Water  
Conservation Board

Department of Natural Resources

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

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November 13, 2023

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 2024. 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/2024-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, 2024, 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, 2024, or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2024 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 2024 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 2024. If the CWCB declares its intent to appropriate water rights at its March 2024 meeting a modified schedule will be used.

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

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus
1	Square Top Creek	Upper South Platte	Clear Creek	1.08	outlet of Lower Square Top Lake	inlet of Duck Lake
1	Williams Gulch	Cache La Poudre	Larimer	4.47	headwaters	confluence Cache la Poudre River
4	Deer Creek	East-Taylor	Gunnison	3.38	headwaters	Beitler No. 1 headgate
4	East Muddy Creek	North Fork Gunnison	Gunnison	6.32	confluence Lee Creek	confluence West Muddy Creek
4	North Lobe Creek	Lower Dolores	Mesa	7.25	headwaters	Highline Ditch headgate
4	Splains Gulch	East-Taylor	Gunnison	2.48	headwaters	confluence Coal Creek
4	West Muddy Creek	North Fork Gunnison	Gunnison	5.52	confluence Ault Creek	confluence East Muddy Creek
6	Ways Gulch	Upper Yampa	Routt	2.25	headwaters	BLM property boundary

6	Wheeler Creek	Upper North Platte	Jackson	3.22	headwaters	Akers Ditch headgate
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Table 2. Natural Lake Level Recommendation

Div	Lake	Watershed	County	Volume (acre-feet)	Location (Center-point) (NAD 1983 Zone 13 North)
2	Titan Lake	Arkansas Headwaters	Lake	2.2	UTM-East: 377505.25 UTM-North: 4356622.28