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VIA FACSIMILE & U.S. MAIL

Ms. Jennifer Gimbel
Director
Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, Colorado 80203

Re: Request for Instream Flow Appropriation - Arkansas River

Dear Ms. Gimbel:

I am writing on behalf of the City of Pueblo to recommend and request that the Colorado Water Conservation Board ("CWCB") appropriate an instream flow water right for the segment of the Arkansas River between the outlet of Pueblo Reservoir and the Arkansas River - Fountain Creek confluence in Pueblo County.¹ This approximately 10-mile segment of the Arkansas River has been the subject in recent years of extensive restoration and rehabilitation activities in conjunction with Pueblo's Arkansas River Legacy Project (the "Legacy Project") which is intended to restore fish and wildlife habitat and the natural environment of the River.

As described in the information sheet enclosed as Exhibit 1, the most significant phases of the Legacy Project are complete, and year-round protection of a minimum flow level is now necessary to reasonably protect the restored natural environment. Pursuant to Rule 5.a. of the CWCB's Instream Flow Program Rules, Pueblo recommends that the CWCB appropriate a new 100 cfs instream flow water right for this segment of the Arkansas River. We have confirmed that Colorado Parks & Wildlife ("CPW") will join in and support this request and recommendation.

The Legacy Project was undertaken jointly by Pueblo and the U.S. Army Corps of Engineers (the "Corps"), with substantial funding from the Corps and Great Outdoors Colorado, and cash or in-kind contributions from 22 other local project partners, including Pueblo County and the Pueblo Conservancy District. Phase 1 of the Legacy

¹ This segment is located in Water District 10, Water Division 2 (Arkansas River basin) and shown on U.S.G.S. topographic maps named Northwest Pueblo and Northeast Pueblo.