



**COLORADO**

**Colorado Water Conservation Board**

Department of Natural Resources

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**TO:** Colorado Water Conservation Board Members

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

**DATE:** May 15, 2019

**AGENDA ITEM:** 19. Contested 2019 Instream Flow Appropriations in Water Divisions 3, 6, and 7

**Background**

The following table outlines the Board’s January 2019 instream flow appropriations that have been contested. Staff has been in contact with the contesting parties’ representatives to explore whether any mutually acceptable terms and conditions can be reached in order to avoid the need for a hearing. Information submitted during the contested hearing process will be available on CWCB’s website at: <http://cwcb.state.co.us/environment/instream-flow-program/Pages/2019ContestedISFAappropriations.aspx>

Stream	County	Length (mi)	Flow Rate (cfs)	Parties
<b>Carnero Creek</b> <i>(Confluence SF and MF Carnero Creeks to Confluence Mogotas Arroyo)</i>	Saguache	9.81	2.2 (12/01-02/29) 2.6 (03/01-11/30)	<u>Notice to Contest</u> • S & T Farms, LLC
<b>Trout Creek (Increase)</b> <i>(Confluence unnamed tributary to Koll Ditch headgate)</i>	Routt	6.64	2.0 (11/01-03/31) 8.0 (04/01-07/31) 7.0 (08/01-10/31)	<u>Notice to Contest</u> • Knott Land and Livestock Company, Inc. <u>Party Status</u> • Twentymile Coal, LLC
<b>Disappointment Creek</b> <i>(Confluence Morrison Creek to Historic USGS Gage)</i>	Dolores	21.71	1.8 (01/01-01/31) 2.6 (02/01-03/15) 14 (03/16-06/30) 8.0 (07/01-07/15) 5.8 (07/16-07/31) 2.2 (08/01-12/31)	<u>Notice to Contest</u> • Board of County Commissioners, Dolores County <u>Party Status</u> • Western Resource Advocates <u>Contested Hearing Participant</u> • Southwestern Water Conservation District
<b>Disappointment Creek</b> <i>(Historic USGS Gage to Confluence Dolores River)</i>	Dolores, San Miguel	37.8	5.0 (03/01-03/15) 9.8 (03/16-06/15) 5.0 (06/16-06/30)	<u>Notice to Contest</u> • Board of County Commissioners, Dolores County <u>Party Status</u> • Western Resource Advocates <u>Contested Hearing Participant</u> • Southwestern Water Conservation District



**Staff recommendation**

Staff recommends that the Board combine the two Disappointment Creek segments for a joint proceeding. Staff further recommends that the Board designate a Hearing Officer for each of these contested instream flow appropriations and set the hearing date to be held in conjunction with the Board's September 17-19, 2019 meeting.