



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2021 Instream Flow Appropriations in Water Divisions 2, and 4

Date: March 16, 2021

At its March 10-11, 2021 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on three 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 online at: <https://cwcb.colorado.gov/2021-isf-recommendations>. Information can also be reviewed by appointment at the Colorado Water Conservation Board's Office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203.

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 [Rules Concerning the Colorado Instream Flow and Natural Lake Level Program adopted by the Colorado Water Conservation Board](#), 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 June 1, 2021. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than June 30, 2021.

(e) Staff will announce its Final staff Instream Flow Recommendation concerning contested appropriations at the November 2021 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 July 2021 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. (2020) 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 CWCB address noted above or via email to rob.viehl@state.co.us.

Should you wish to comment on the proposed ISF Recommendations or request more information 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 present your written comments to the Board. If you are not currently on the Board’s ISF Subscription Mailing List and you would like to be, please contact Rob Viehl, or sign up online at: <https://dwr.state.co.us/Portal/Login/>

Instream Flow Recommendations

Water Div	Stream	Watershed	County	Length (miles)	Upper Terminus (UTM)	Lower Terminus (UTM)	Flow Rate, cfs (Timing)
2	East Fork Arkansas River	Arkansas Headwaters	Lake	6.46	headwaters in the vicinity of: E: 399540.97 N:4353749.78	confl Chalk Creek at E: 394793.07 N: 4356126.94	0.25 (12/16 - 04/30) 7 (05/01 - 07/31) 2.8 (08/01 - 09/20) 0.7 (09/21 - 12/15)
4	Cow Creek	Uncompahgre	Ouray	7.4	confl Lou Creek at E: 265665.02 N: 4231002.60	confl Uncompahgre River at E: 258039.02 N: 4237591.58	7.2 (01/01 - 03/31) 20 (04/01 - 04/30) 53 (05/01 - 06/30) 20 (07/01 - 07/31) 15 (08/01 - 08/15) 7.2 (08/16 - 08/28) 5.9 (08/29 - 09/19) 7.2 (09/20 - 12/31)
4	Wildcat Creek	East-Taylor	Gunnison	2.48	outlet of Green Lake at E: 323800.20 N: 4301420.95	confl Coal Creek at E: 325687.24 N: 4304206.95	0.35 (12/01 - 03/31) 0.65 (04/01 - 04/30) 2.1 (05/01 - 08/31) 0.6 (09/01 - 11/30)