



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

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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 2022. 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 online at:

<https://cwcb.colorado.gov/2022-isf-recommendations>

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 [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, 2022, 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, 2022 or the first business day thereafter.

(e) Staff will announce its Final Staff ISF Recommendation concerning contested appropriations at the September 2022 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 2022 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 2022. If the CWCB declares its

intent to appropriate water rights at its March 2022 meeting a modified schedule will be used.

Note that section 37-92-102 (3) (b), C.R.S. (2021) 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 sign up here:

<https://dwr.state.co.us/Portal/cwcb/NotificationLists>

Instream Flow Recommendations 2022

Div.	Stream Name	County	Recommending Entity	Length (miles)
4	Cottonwood Creek <i>(Increase)</i> <i>(Hawkins Ditch headgate to confluence Roubideau Creek)</i>	Delta Montrose	BLM	23.3
4	Italian Creek <i>(Increase)</i> <i>(confluence South Italian Creek to confluence Taylor River)</i>	Gunnison	HCCA	2.42
4	Lottis Creek <i>(Increase)</i> <i>(headwaters to confluence Taylor River)</i>	Gunnison	HCCA	10.33
4	Monitor Creek <i>(USFS Property Boundary to confluence Potter Creek)</i>	Montrose	BLM	9.44
4	Potter Creek <i>(Increase)</i> <i>(USFS Property Boundary to confluence Monitor Creek)</i>	Montrose	BLM	8.10
4	Potter Creek <i>(Increase)</i> <i>(confluence Monitor Creek to confluence Roubideau Creek)</i>	Montrose	BLM	1.72
4	Spring Creek <i>(headwaters to Crabtree Ditch headgate)</i>	Montrose	BLM	7.47
5	Kinney Creek <i>(Increase)</i> <i>(headwaters to confluence McQueary Creek)</i>	Grand	BLM	6.31
5	Rock Creek <i>(headwaters to confluence Colorado River)</i>	Grand	BLM	4.92

Div.	Stream Name	County	Recommending Entity	Length (miles)
5	Spruce Creek (<i>increase</i>) (<i>headwaters to Hoagland Canal headgate</i>)	Grand Summit	BLM	3.54
6	Deep Creek (<i>headwaters to confluence Steamboat Lake</i>)	Routt	BLM	2.45
6	Piceance Creek (<i>headwaters to confluence unnamed tributary</i>)	Garfield Rio Blanco	BLM	6.93
6	Piceance Creek (<i>confluence unnamed tributary to confluence Cow Creek</i>)	Rio Blanco	BLM	3.83
6	Watson Creek (<i>confluence Moody Creek to Hardscrabble Ditch headgate</i>)	Routt	BLM	5.86

BLM = Bureau of Land Management; HCCA = High Country Conservation Advocates