



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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NOTICE

To: Instream Flow Subscription Mailing Lists

Subject: Proposed 2022 Instream Flow Appropriations in Water Divisions 4, 5, and 6

Date: January 31, 2022

At its January 24-25, 2021 regular meeting, the Colorado Water Conservation Board (CWCB) declared its intent to appropriate instream flow (ISF) water rights on seven 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 ISF Recommendation summary reports and appendices of data submitted into the official CWCB record are available online at: <https://cwcb.colorado.gov/2022-isf-recommendations>. Information can also be reviewed by appointment at the CWCB's Office, located at 1313 Sherman Street, Room 718, Denver, Colorado, 80203.

In addition to the above ISF Recommendation summary reports and appendices of data, 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 ISF 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 March 31, 2022. All Notices of Party status and Contested Hearing Participant status must be received at the Board office no later than May 2, 2022.

(e) Staff will announce its Final staff ISF Recommendation concerning contested appropriations at the September 2022 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 May 2022 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. 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 ISF 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.

To comment on the proposed ISF Recommendations, you may do so by writing Rob Viehl at the address given above or via email to rob.viehl@state.co.us. It should be noted that while your appearance at any meeting is welcome, such an appearance is not necessary for your concerns to be recognized. Staff will take your comments into account and present them to the Board in your absence. If you are not currently on the Board’s ISF Subscription Mailing List and you would like to be, please sign up at: <https://dwr.state.co.us/Portal/Login/>

Instream Flow Recommendations

Div	Stream	Watershed	County	Length (miles)	Upper Terminus	Lower Terminus	Flow Rate cfs/ Timing
4	Italian Creek <i>(Increase)</i>	East-Taylor	Gunnison	2.42	confluence South Italian Creek	confluence Taylor River	0.7 (04/01 - 10/31)
4	Lottis Creek <i>(Increase)</i>	East-Taylor	Gunnison	10.33	headwaters	confluence Taylor River	2.1 (04/01 - 10/31)
4	Spring Creek	San Miguel	Montrose	7.47	headwaters	Crabtree Ditch headgate	1.1 (03/15 - 05/31)
5	Kinney Creek <i>(Increase)</i>	Colorado headwaters	Grand	6.31	headwaters	confluence McQueary Creek	0.7 (05/01 - 07/15)
5	Spruce Creek <i>(Increase)</i>	Blue	Grand Summit	3.54	headwaters	Hoagland Canal headgate	0.4 (04/15 - 06/30)
6	Deep Creek	Upper Yampa	Routt	2.45	headwaters	confluence Steamboat Lake	0.3 (10/01 - 04/30) 2.5 (05/01 - 07/31) 0.95 (08/01 - 09/30)
6	Watson Creek	Upper Yampa	Routt	5.86	confluence Moody Creek	Hardscrabble Ditch headgate	1.1 (08/16 - 03/31) 1.9 (04/01 - 06/21)