

# Appendix C: Instream Flow and Natural Lake Level Examples

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**F**ollowing are specific examples of instream flow and natural lake level water rights that were appropriated or acquired to preserve, and in some cases to improve, the natural environment to a reasonable degree.

## **Black Hollow Creek**

In 2010, based upon a recommendation from Colorado Parks and Wildlife, the CWCB appropriated an instream flow water right on approximately 5.5 miles of Black Hollow Creek in Larimer County from the stream's headwaters down to the confluence with the Cache La Poudre River. This appropriation protects flows in three different seasons: 2.2 cubic feet per second from May 1 to September 30; 1.4 cubic feet per second from October 1 to November 15; and 0.75 cubic feet per second from November 16 to April 30. The natural environment in this segment of stream consists of a healthy population of greenback cutthroat trout.

## **Deadhorse Creek and Hanging Lake**

In 1996, the CWCB appropriated water rights on both Hanging Lake and Dead Horse Creek and determined that all of the unappropriated water in this stream and lake system was required to preserve the natural environment to a reasonable degree. The CWCB took this approach based upon the fact that the natural environments on the lake and creek are unique, consisting of distinct assemblages of riparian vegetation, endemic hanging garden communities and globally imperiled species.

## **Big Dominguez and Little Dominguez Creeks**

In 2011, the CWCB appropriated all of the unappropriated water on both Big Dominguez and Little Dominguez Creeks to preserve aquatic and riparian aspects of the natural environment. These instream flow appropriations not only preserve distinct fish populations, but also protect amphibians, aquatic insects and increasingly rare and distinctive communities of cottonwood trees and other associated riparian vegetation. Another important objective for these appropriations was to maintain the creeks in their natural pristine condition because of their location in a designated Wilderness Area.

## **Colorado River Instream Flow Reaches from the Blue River to the Confluence with the Eagle River**

In 2011, the CWCB appropriated water rights on three segments of the mainstem of the Colorado River: 1) Blue River to the Piney River; 2) Piney River to the confluence with Cabin Creek; and 3) Cabin Creek to a point immediately upstream from the Eagle River. These reaches, which appropriated between 500 and 900 cubic feet per second at various times throughout the year, were recommended by the Upper Colorado River Wild and Scenic Stakeholder Group as part of a comprehensive plan to manage these reaches of the River that includes a suite of protective measures as an alternative to a finding of suitability for Wild and Scenic designation.

## **Acquisition to Implement a Portion of the Colorado River Cooperative Agreement on the Fraser River and its Tributaries, Williams Fork River and its Tributaries, and the Colorado River**

Under a Water Delivery Agreement and water court decree, Denver Water will provide annually 1,000 acre-feet of water to Grand County for instream flow use by the CWCB. The instream flow use will consist of: 1) preserving the natural environment to a reasonable degree by maintaining flows in stream reaches where the CWCB has decreed instream flow water rights when those rights are not satisfied; 2) improving the natural environment to a reasonable degree by increasing flows in existing instream flow reaches above the CWCB's decreed amounts up to recommended flow rates; and 3) improving the natural environment to a reasonable degree on streams with no existing instream flow water rights.

## **Acquisition of Breem Ditch Water Right for Instream Flow Use on Washington Gulch and Slate River**

Under a Water Conservation Use Right and water court decree, CWCB may use the senior Breem Ditch water right that once swept the stream dry to re-water the stream. This water will be used to preserve and improve the natural environment to a reasonable degree on Washington Gulch and to preserve the natural environment to a reasonable degree on the Slate River. The historical consumptive portion of the water right may be diverted downstream of the instream flow reaches for municipal use by Skyland Metropolitan District, thus making multiple uses of the changed irrigation right for consumptive (municipal) and nonconsumptive (environmental) uses.