



## Colorado Springs Utilities

*It's how we're all connected*

January 17, 2012

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**Re: DRMP/DEIS documents for BLM Kremmling and Colorado River Valley Field Offices and USFS White River National Forest.**

To Whom It May Concern:

Colorado Springs Utilities (Springs Utilities) appreciates the opportunity to submit comments on the September 2011 BLM Draft Resource Management Plans and Draft Environmental Impact Statements for the Colorado River Valley Field Office (CRVFO) and Kremmling Field Office (KFO) (DRMP/DEIS documents). We understand that the scoping period for the DRMP/DEIS documents for the KFO and CRVFO concludes on January 17, 2012.

Springs Utilities, an enterprise of the City of Colorado Springs (City), is a four service utility (i.e., water, wastewater, electric, and natural gas services) charged with delivering a safe and reliable supply of water to its customers. Springs Utilities currently provides water to over 440,000 customers in the Pikes Peak Region, serving the City of Colorado Springs, Ute Pass communities, military bases, and other limited areas outside of the City. In 2011, Springs Utilities' water system production was nearly 82,000 acre-feet, making it the second largest municipal water provider in Colorado. A large portion of this water supply originates in the Colorado River watershed, from the headwaters of the Blue, Eagle and Roaring Fork Rivers, and as a result, resource management decisions made by the BLM in the KFO and CRVFO may have significant impacts on Springs Utilities' ability to meet the City's current and future water supply needs.

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Planning decisions made by federal agencies can provide positive direction or preclude best options for current and future water development and water system operations. Springs Utilities is charged with aggressively protecting and defending Colorado Springs' conditional and absolute water rights and water system infrastructure; therefore, it is critical to be actively engaged with the BLM, USFS, and other local, state, and federal agencies in their various planning processes and provide feedback, as necessary. The comments contained in this submittal are directed to both the CRVFO and KFO since the RMP process began as a combined effort, but a decision was later made by BLM to split the RMP processes for these field offices into two separate efforts. Springs Utilities was disappointed by this decision, as it makes commenting on two separate plans with many common issues and themes much more difficult. Please consider any comments contained in this submittal as applying to the DRMP/DEIS for both the CRVFO and KFO, except where a comment is noted as applying to a specific issue, concern, or area within an individual field office. These comments are also addressed to the White River National Forest (USFS) as a cooperating agency and for the combined BLM and USFS Wild & Scenic suitability analysis effort.

We trust that the comments included in this submittal will support the refinement of the DRMP/DEIS for the KFO and CRVFO and confirm Springs Utilities' support for Alternative B2, the Upper Colorado Wild & Scenic Rivers Stakeholder Group Alternative Management Plan, which is the alternative that we believe best balances permanent protection of the "outstandingly remarkable values" with certainty for stakeholders, water project yield, and flexibility for water users. Please do not hesitate to contact me at (719) 668-3839 or Brett Gracely, Water Resources Manager, at (719) 668-4052 should you have any questions, or like to discuss the enclosed comments in greater detail. Thank you again for the opportunity to comment on the DRMP/DEIS documents.

Sincerely,



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cc via email:

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Rich Doak, U.S. Department of Agriculture, White River National Forest

Upper Colorado Wild and Scenic Rivers Stakeholder Group



Colorado Springs Utilities  
*It's how we're all connected*

## **Colorado Springs Utilities**

**Comments  
on the  
September 2011  
BLM CRVFO and KFO  
Draft RMPs/Draft EISs**

JANUARY 17, 2012

## **ALTERNATIVE B2: Upper Colorado River Wild & Scenic Stakeholder Alternative Management Plan**

Comment #1. Colorado Springs Utilities is a participant in the Upper Colorado River Wild and Scenic Stakeholder Group (SG). This group of diverse interests has developed the Upper Colorado River Wild and Scenic Stakeholder Group Alternative Management Plan (SG Plan) that is part of the B2 alternative. We request that the BLM and USFS approve the SG Plan as the best alternative for managing the upper Colorado River segments. The Plan outlines cooperative measures and provides a mechanism for monitoring the Outstanding Remarkable Values (ORVs) that would not be available to the BLM and USFS without adoption of the SG Plan. The SG has already been successful in developing and supporting a recommendation for an instream flow (ISF) for the upper Colorado River Segments 4, 5, and 6. The Colorado Water Conservation Board is currently in the process of appropriating the ISF. Without the SG and SG Plan, these measures would not be possible. The SG Plan and process will minimize user conflicts through its collaborative approach.

Comment #2. A fundamental principle of the SG Plan is that BLM and USFS defer making a Wild and Scenic suitability determination for Upper Colorado River BLM segments 4 through 7 and USFS segments 1 and 2. We request that the BLM and USFS utilize an approach similar to the USFS process for adoption of the South Platte Protection Plan, where the basis and rationale for protective management of the ORVs is found in the current eligibility status. We therefore request that the agencies defer evaluation of the potential suitability of Segments 4 through 7 in the analysis for the Final Suitability Report, FEIS, and Records of Decision, and instead rely on the SG Plan.

For example, our assumption is that if B2 is selected and B1 is described in the FEIS, that B1 would not speak to suitability of the four Upper Colorado River segments (i.e. CRVFO pages 2-16, 2-90, 2-95, 2-111, 4-700) for inclusion in the National Wild and Scenic Rivers System (NWSRS) as that suitability analysis will have been deferred for those segments. BLM and USFS would revise those pages for the FEIS as well as similar statements found elsewhere in the documents.

Comment #3. Should the SG Plan be approved and later terminate, it is our understanding and request that BLM and USFS would issue a revised draft final suitability report addressing the status of those segments with the opportunity and consideration for public comment.

Comment #4. The SG believes it is not in the spirit of the SG Plan to specifically commit on the merits of suitability. Colorado Springs Utilities joined with Aurora Water to submit comments from 2007 and 2008 under a separate cover letter during this same public comment period to ensure those previous comments are part of the administrative record, but we will not be providing comments on the suitability analysis found within the DRMP/DEIS at this time. If BLM and USFS do not select the SG Plan option, we request an opportunity for further public comment and consideration on the suitability issue for those river segments.

## **GENERAL COMMENTS ON THE DRMP/DEIS DOCUMENTS**

### **A. Chapter 1, Section 1.2, Purpose Of and Need for the Resource Management Plan**

*“Managing surface water and groundwater resources to maintain and improve habitat, improve water quality, protect drinking water sources, and help meet and maintain local and regional water delivery compacts.” (CRVFO page 1-4).*

*Comment #5.* This objective was identified in the DRMP/DEIS as a major issue contributing to the revision of the current BLM RMP. However, the BLM focus within the DRMP/DEIS documents has a repeated preference for recreation rather than a multiple use approach for water resources. The Colorado River watershed provides a substantial portion of the water supply for the Front Range of Colorado, where approximately 80% of the population resides. As stated in the DRMP/DEIS and referenced above, a primary management consideration should be to support management prescriptions that protect drinking water sources which are critical for current and future generations of citizens of the State of Colorado. The responsibility of municipal and residential water providers to provide a safe and reliable supply of water to their customers to meet community needs, generate economic activity, and maintain the quality of life should not be a secondary consideration to recreation and/or energy development in planning or policy documents.

*Comment #6.* Management prescriptions should allow the citizens of Colorado to maximize the beneficial use of the State’s water resources consistent with Colorado water law, interstate agreements, and compacts. Requiring flow rates or otherwise restricting water providers and water development via special management prescriptions, especially on the mainstem of the Colorado River, can inhibit the State of Colorado’s ability to place its waters to beneficial use and fully utilize its water available under the Colorado River Compacts.

### **B. Chapter 1, Section 1.5, Scoping Process**

*Comment #7.* BLM contacted numerous individuals, agencies and organizations during the initial scoping period in 2007. Presumably, all adjacent landowners were contacted. However, all water rights owners that may be affected by management prescriptions on river segments were not contacted. Colorado Springs Utilities was unaware of the scoping that included river segments within the potential area of influence of its water rights and water system operations. Aurora Water and Colorado Springs Utilities were not contacted by BLM until after the Wild and Scenic Eligibility Report had been finalized. We fully support BLM adopting the SG Plan with deferral of suitability analysis and determination for the Upper Colorado River Segments 4 through 7 and are not asking for a re-evaluation of the Eligibility Report. Instead, we encourage BLM and USFS in future scoping processes to make a thorough effort to contact individuals and entities with affected real property interests, including water rights, so that a more complete analysis can be conducted from the beginning stages.

### **C. Chapter 1, Section 1.6, Planning Criteria and Legislative Constraints**

*“Decisions in the plan will be compatible with the existing plans and policies of adjacent local, state, and federal agencies, as long as the decisions conform to federal laws and regulations that direct resource management on BLM lands” (CRVFO page 1-12).*

Comment #8. The State Water Supply Initiative (SWSI 2010) is a major planning process being conducted by the Colorado Water Conservation Board, yet was not considered in this plan. BLM and USFS should not adopt any alternative that prioritizes recreational uses or energy development in preference to community water supplies, or that inhibits the State of Colorado's ability to fully develop Colorado's water entitlements under the Colorado River Compacts.

"The plan will recognize valid existing rights" (CRVFO page 1-12).

Comment #9. The Plan must recognize both decreed absolute and conditional water rights with the State of Colorado, current pending water rights in Colorado Water Court, and current exchanges, whether decreed or not. Furthermore, the Plan should not inhibit the operation or development of such water rights. The State of Colorado Division of Water Resources tabulation of water rights should be acknowledged within this DRMP/DEIS. Attachment A describes historical and existing decreed absolute and conditional water rights associated with the Homestake Project, which Colorado Springs jointly owns and operates with the City of Aurora, as well as conditional and absolute water rights owned by Colorado Springs, which are associated with the Continental-Hoosier System.

"The BLM will identify existing and potential utility corridors (which include existing rights-of-way that can be considered for additional facilities and thus be considered a corridor if not already so designated); it also will identify existing and potential development sites, such as energy development areas (for example, wind energy sites) and communication sites." (CRVFO page 1-12).

Comment #10. A wide range of land uses associated with existing rights-of-way (ROWs) is outlined in Chapter 3, Affected Environment – Lands and Realty (CRVFO page 3-164). These uses include water facilities. These planning criteria identified by BLM address some of the multiple uses in Chapter 3, but are biased towards selecting alternatives that focus on recreation, energy development areas, and communications sites. We request the BLM review the objective of this particular planning criteria, and consider the importance of municipal water use and water facilities.

#### **D. Chapter 1, Section 1.7, Collaboration**

Comment #11. The DRMP/DEIS (CRVFO pages ES-8, 1-13, 1-14, 2-13) mentions receiving input and working closely with the Northwest Resource Advisory Council (NWRAC). The BLM and USFS management areas are important to the entire State of Colorado for its land and water resources. The NWRAC has diverse representation. However, the NWRAC does not represent all interests, in particular the water rights owners diverting water from these areas to other areas within the state. This may result in a one sided approach. Although a NWRAC serves as a good resource, the BLM should consider that the NWRAC may provide localized or imbalanced recommendations (i.e. focus on recreation) for the management of resources and that a greater number of citizens that depend upon the resources are not represented.

## **E. Chapter 2, Alternatives**

Alternative B states that “Current recreational uses would be recognized and accommodated where possible when considering land uses.” (CRVFO page 2-15)

Comment #12. The Upper Colorado River is used for multiple purposes. Both absolute and conditional water rights, water operations, and water system infrastructure should also be recognized and accommodated where possible when considering land uses.

Comment #13. “Alternative B would include the designation of six SRMAs (.....Upper Colorado River) where recreation opportunities are recognized as a primary management consideration due to their unique value, importance, and/or distinctiveness.” (CRVFO page 2-15) The Upper Colorado River is also distinctive for multiple uses and multiple values. The Upper Colorado River’s primary management consideration should not solely be recreation. The recreational opportunities that exist are not unique in the activity themselves (i.e. fishing, floatboating) and there are multiple opportunities for those recreational activities in nearby locations. The Colorado River should be managed for the multiple uses that exist, now and in the future, and the BLM should recognize in its planning processes that the Upper Colorado River is one of the most highly managed and important rivers for municipal, industrial, agricultural, and other beneficial purposes in the Western United States.

Comment #14. The descriptions of SRMAs and ERMAs are confusing. However, the designation of an ERMA where “existing recreational facilities would receive specific management considerations commensurate with the management of other resources”(CRVFO 2-15) appears to be more of a multiple use approach that may be more appropriate for the Upper Colorado River than having an objective that is only concerned with recreation. We do not completely understand the differences between an SRMA and ERMA, but would like to stress the importance and necessity of management for multiple purposes when it involves water resources.

Comment #15. The description of alternative B2 is wrong on CRVFO page 2-115 stating “[if SG Plan] is not adequately protecting the free-flowing nature, ORV’s, and tentative classification, determine river segments 6 and 7 as suitable for inclusion in the NWRS.” This statement should be corrected and consistent with the description on CRVFO page 2-112 with “[if SG Plan] is not adequately protecting the free-flowing nature, ORV’s and tentative classifications, the BLM and USFS would initiate a process to evaluate suitability and make a determination”.

## **F. Chapter 3, Affected Environment – Wild & Scenic Rivers, Trends**

Comment #16. It is not prudent to use future climate change predictions made on a national or regional scale that have yet to be validated at a local scale for any planning documents which guide management prescriptions for the next several years. The past climate data and the climate trends assumptions contradict each other. For example, page 3-16 states “Precipitation increased between the two time periods [1948-1979 vs 1980-2007]...Snowfall also increased....”. Yet, on page CRVFO 3-19 BLM utilizes predicted changes “derived from color shadings on US climate change maps” and other sources, to formulate trends and use the trends in further assumptions throughout the documents.

Comment #17. Different acronyms seem to be used for Recreation Setting Character Conditions. The TOC identifies RSCC. Page CRVFO 3-150 has a reference to a RACC and also an RSCC. Is RACC a typo? Then in Appendix K, there is a RSC. Is the RSC the same as the RSCC?

*“Flow rates that are necessary to support river-related recreation may become at risk as demand for additional water diversions occurs at upstream locations to satisfy growing populations on the Western Slope and Eastern Slope. Accordingly, gathering data about flow rates required to support recreation will be critical for managing the ORVs.” (CRVFO page 3-192).*

Comment #18. There is no technical justification to support the statement that “river-related recreation may become at risk”. BLM has not provided any data to identify flow rates that might be advantageous to support recreation or the variety of recreational opportunities that may exist at different flow regimes. Contrary to BLM’s statement, water management activities and facilities can create or improve river-based recreation opportunities. For example, Historic User Pool releases from Green Mountain Reservoir support recreational floatboating on the mainstem of the Colorado River and often extend the floatboating season.

Comment #19. BLM did not adequately define the term “risk” as it applies to managing recreational values. “Risk” as it applies to river-related recreation, may simply be a probability for change from one condition to another. If flows were to decrease in the future as a result of natural or anthropogenic factors, we anticipate that the recreational economy would adapt to the changed conditions through changes in preferences for water craft or recreational experiences as has happened historically.

*“River-related recreation as well as various natural process and ecological values rely on an instream flow to support them. For example, white-water boating relies on flows to create a white-water experience. As demand for water increases from front-range communities and western slope stakeholders, the Colorado River and other rivers and streams on the western slope will continue to see increased supply issues and potential impacts from projects. Subsequent to the increased water demand there is likely to be an increased threat to ORVs that rely on certain instream flows.” (CRVFO page 3-197).*

Comment #20. Colorado Springs Utilities would appreciate more information on what these “increased supply issues” are that BLM has identified, and what is meant by this statement.

Comment #21. As outlined under Comments 16, 17, and 18 above, the BLM has not presented any scientific evidence that the BLM statements in *Chapter 3, Affected Environment – Wild & Scenic Rivers, Trends* are accurate, nor what characteristics/levels are considered necessary to protect a specific type of recreation or identified the variety of recreation available at different flow regimes. We further note that a thriving and viable recreation industry developed on the Colorado River long after the time that the river was affected by substantial irrigation and municipal diversions. For example, gold medal fisheries are commonly located downstream of reservoirs and dams.

Comment #22. BLM and USFS should not seek any alternative that would diminish any existing water rights or create hardship to develop water rights or water system infrastructure or adversely impact water system operations. The BLM should recognize the need for developing and securing additional water supplies to meet the population growth demands along with the increased demand on recreational sites and protection of natural



resources. Increased population growth in Colorado will support economies that are dependent on recreation and tourism as there will be an increased demand for recreational opportunities. Future water developments are critical to meeting the “water supply gap” as analyzed in the State Water Supply Initiative studies and are critical to meeting the current and future needs of Colorado residents.

*“Continuing upstream water development and increasing water demands associated with population growth may jeopardize the flows necessary to support the ORVs in the Colorado River segments. This risk is amplified by the lack of any instream flow protection in these segments. In this environment, adequate flows for ORVs may only be available with careful design for future water projects and close coordination of operations of existing water uses.” (CRVFO page 3-198).*

*Comment #23.* The BLM has not provided any technical justification for any of the above statements. Water development may also create new recreational opportunities or enhance existing recreation. The Colorado River is a major resource for multiple uses. Municipal water supply should not be secondary to recreation. All uses should be considered in any management plan.

*Comment #24.* BLM and USFS should approve of the SG Plan included in Alternative B2 to support a collaborative effort to balance permanent protection of the ORVs, certainty for stakeholders, water project yield, and flexibility for water providers. The SG has recommended and will support an ISF for the Upper Colorado River Segments 4 through 6. Without the SG, the ISF and other cooperative measures would not be available for managing and protecting the ORVs. The SG Plan includes multiple use and sustained yield objectives that should be central to BLMs RMP.

#### **G. Chapter 4, Environmental Consequences – Fish & Wildlife, Reasonable Foreseeable Future Actions**

*“If segment 1 or 2 of the Colorado River is designated as wild and scenic and instream flow prescriptions are put into place, it could have an impact on Phase II development of the Homestake Project.” (CRVFO page 4-208).*

*Comment #25.* We request the BLM also reference Segment 7 of the Colorado River to be consistent with language in the SG Plan (January 2012): “All references hereinafter to Segment 7 of the Colorado River are intended to include BLM Segment 7 and USFS Segments 1 and 2 of the Colorado River”. We further request this language be implemented throughout the DRMP/DEIS documents (i.e. page 4-330).

#### **Summary**

*Comment #26.* Colorado Springs Utilities supports the selection of Alternative B2 (The Upper Colorado Wild & Scenic Rivers Stakeholder Group Alternative Management Plan or SG Plan) for the management of Upper Colorado River Segments 4 through 7 because this alternative balances permanent protection of the ORVs with certainty for stakeholders, water project yield, and flexibility for water users. A significant benefit of the SG Plan is that through the cooperative and voluntary efforts of interested water users, local governments, and other entities, the ORVs can be protected (and perhaps enhanced) in ways that coordinate with federal agency management. Adoption of a different alternative by BLM and USFS would negatively impact the water rights within the Upper Colorado River system and would interfere with previously planned projects in the Eagle and Blue River drainages. Based on these and other considerations, the SG Plan is the only management alternative that is adequately supported by the administrative record.

## ATTACHMENT A

Please see below for a description of the Homestake and Continental-Hoosier System water rights:

### 1.0 Original Homestake Water Rights (CA1193)

1.1 Background: The original decree for Homestake Reservoir was entered in Case No. 1193, Eagle County District Court, and was for a total storage right of 126,843.68 acre feet annually. In Case Nos. 85CW151, 85CW582, and 85CW583 (Consolidated), Water Division No. 5, 43,504.7 acre feet of this storage right was made absolute.

1.2 Description of the Homestake Water Rights: The component parts of the Homestake Project as described below were awarded conditional priorities as of the date September 22, 1952, and ditch or reservoir numbers and priority numbers as follows:

Number of Ditch	Name of Ditch or Reservoir	Original Construction or Enlargement	Priority No.	Water Allowed
358 ½ A	Homestake Conduit	Original	536 ½ A	179.8 cfs A* 1660.2 cfs C*
358 ½ B	East Fork Conduit	Original	536 ½ B	70.8 cfs A* 189.2 cfs C*
358 ½ C	Homestake Tunnel	Original	536 ½ C	300 cfs A*
358 ½ D	Homestake Reservoir	Original	536 ½ D	43,504.7 AF A* 83,338.98 AF C*
358 ½ E	Eagle-Arkansas Ditch	Original	536 ½ E	530 cfs C*

\* A = ABSOLUTE

\* C = CONDITIONAL

1.2.1 Homestake Conduit. The Homestake Conduit receives and delivers appropriated water to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
Unnamed Creek Alternate Point:	S 86 <sup>N</sup> 25'E 35,177 ft. to NW cor 6-7S-80W S 86 <sup>N</sup> 4.7'E, 35,286 ft. to NW cor 6-7S-80W	60 C*
West Cross Creek Alternate Point:	N 81 <sup>N</sup> 58'E 36,256 ft. to NW cor 6-7S-80W N 79 <sup>N</sup> 52.5'E 38,572 ft. to NW cor 6-7S-80W	200 C*
Cross Creek Alternate Point:	N 81 <sup>N</sup> 26'E 36,064 ft. to NW cor 6-7S-80W N 75 <sup>N</sup> 59.9'E 36,569 ft. to NW cor 6-7S-80W	300 C*
East Cross Creek Alternate Point:	S 74 <sup>N</sup> 11'E 26,649 ft. to NW cor 6-7S-80W S 74 <sup>N</sup> 52.9'E 25,882 ft. to NW cor 6-7S-80W	130 C*

Fall Creek	S 82 <sup>N</sup> 55'E 12,812 ft. to NW cor 6-7S-80W	260 C*
Alternate Point:	S 83 <sup>N</sup> 01.8'E 14,320 ft. to NW cor 6-7S-80W	
Peterson Creek	S 64 <sup>N</sup> 05'E 6,822 ft. to NW cor 6-7S-80W	50 C*
Alternate Point:	S 76 <sup>N</sup> 2.9'E 6,474 ft. to NW cor 6-7S-80W	
Unnamed Creek	S 76 <sup>N</sup> 45'E 10,572 ft. to SW cor 18-7S-80W	50 C*
Alternate Point:	S 73 <sup>N</sup> 26.5'E 10,896 ft. to SW cor 6-7S-80W	
Whitney Creek	N 81 <sup>N</sup> 42'E 13,489 ft. to SW cor 18-7S-80W	80 C*
Alternate Point:	N 83 <sup>N</sup> 27.8'E 13,879 ft. to SW cor 18-7S-80W	
French Creek	S 82 <sup>N</sup> 18.3'E 20,988 ft. to NW cor 31-7S-80W	60.1 A*
		119.9 C*
Fancy Creek	N 85 <sup>N</sup> 10.5'E 25,280 ft. to NW cor 31-7S-80W	38.6 A*
		81.4 C*
Missouri	N 77 <sup>N</sup> 12.4'E 28,800 ft. to NW cor 31-7S-80W	39.8 A*
		80.2 C*
Sopris Creek	N 74 <sup>N</sup> 7.6'E 29,848 ft. to NW cor 31-7S-80W	41.3 A*
		118.7 C*
Small unnamed streams, springs, seeps, sheet flows and ground waters along Homestake Conduit		120 C*
		<hr/>
	<b>Total . . . . .</b>	<b>179.8 A*</b>
		<b>1,660.2 C*</b>

\* A = ABSOLUTE  
\* C = CONDITIONAL

Said amounts from any and all sources are limited by the capacity of the Homestake Conduit from its lowest diversion to Homestake Reservoir to 1,530 cubic feet per second of time.

1.2.2 East Fork Conduit. The East Fork Conduit diverts water from the East Fork of Homestake Creek pursuant to its appropriation of 70.8 cubic feet per second of time ABSOLUTE and 189.2 cubic feet per second of time CONDITIONAL there from and conveys these waters to Homestake Reservoir for conveyance to Homestake Tunnel or storage in the reservoir, said East Fork Conduit having a capacity of 260 cubic feet per second of time and a total length of approximately 3093 feet. The point of diversion of said conduit is on East Fork Homestake Creek at a point whence the Northwest Corner of Section 31, T7S, R80W bears North 55° 40.5' East, 22,917 feet.

1.2.3 Homestake Tunnel. Homestake Tunnel under the Continental Divide for the conveyance of water into the Arkansas River Basin with its intake located at a point under Homestake Reservoir whence the Northwest corner of Section 10, T9S, R81 W of the 6<sup>th</sup> P.M. bears South 15° 27'08" East 26,173.03 feet appropriates a maximum amount of 10 cubic feet per second of time CONDITIONAL of water seeping and percolating into Homestake Tunnel from former Water District No. 37 areas and 300 cubic feet per second of time ABSOLUTE from Middle Fork of Homestake Creek, at its said Northerly portal, its point of diversion; said tunnel has a length of 27,400 feet and a capacity of 700 cubic feet per second of time. The tunnel will convey out of former Water District No. 37 up to 700 cubic feet per second of time of waters appropriated by the tunnel from the Middle

Fork of Homestake Creek, together with water appropriated by the tunnel from the Homestake Creek and East Fork Conduits and Homestake Reservoir, to an outlet at a point from where the Northwest corner of Section 10, T9S, R81W of the 6<sup>th</sup> P.M. bears North 6°40'52" East, a distance of 2,173.54 feet.

1.2.4 Homestake Reservoir. Homestake Reservoir, also known as Elliott-Weers Reservoir, has a capacity of 83,338.98 acre feet CONDITIONAL, is located on Homestake Creek with a dam whence Homestake Peak bears South 73° 26' East 10,477 feet from the easterly end thereof and South 74° 57' East 13,347 feet from the westerly end thereof, said dam having a maximum height of 411.5 feet and a length of 3,380 feet. The sources of supply of said reservoir are Homestake Conduit (the sources of this conduit as set forth in paragraph 9.1.1.1), East Fork Conduit (the source of this conduit as set forth in paragraph 9.1.1.2), the Middle Fork of Homestake Creek and Homestake Creek and said reservoir has appropriated for storage 83,338.98 acre feet annually from said sources. Homestake Reservoir also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel. Existing Homestake Reservoir has a storage capacity of 43,504.7 acre feet ABSOLUTE and is located on Homestake Creek with a dam whence the NW Corner of Section 31, T7S, R80W of the 6<sup>th</sup> P.M. bears North 58° 30.6' East 24,659 feet from the East dam abutment and North 62° 25.8' East 25,746 feet from the West dam abutment; said dam has a maximum height of 265.0 feet and a length of 1,996 feet. The sources of supply of said existing Homestake Reservoir are Homestake Conduit, East Fork Conduit, the Middle Fork of Homestake Creek and Homestake Creek. Existing Homestake Reservoir has appropriated 43,504.7 acre feet annually from said sources and also conveys water from Homestake Conduit and East Fork Conduit to Homestake Tunnel.

1.2.5 Eagle-Arkansas Ditch. The Eagle-Arkansas Ditch receives and delivers into the Tennessee Pass Tunnel for conveyance under the Continental Divide and out of former Water District No. 37 into the Arkansas River Basin the water appropriated from the following sources:

Stream or Other Source of Supply	Point of Diversion	Amount Cubic Feet Per Second of Time
	(Bearing and distance to land Corners of the Sections, Ranges and Townships Indicated, all refer to 6 <sup>th</sup> P.M.)	
Cataract Creek	S 54 <sup>N</sup> 46'35"W 3,147.15 ft. to W/4 cor Sec 24-7S-80W	90 C*
Sheep Gulch	S 61 <sup>N</sup> 59'03"W 262.66 ft. to NW cor Sec 29-7S-79W	20 C*
East Fork Eagle River	N 27 <sup>N</sup> 54'39"E 1,328.12 ft. to E/4 cor Sec 32-7S-79W	230 C*
Jones Gulch	N 29 <sup>N</sup> 19'38"E 826.82 ft. to E/4 cor Sec 26-7S-80W	90 C*
Fiddler Creek	N 83 <sup>N</sup> 20'47"W 1,360.22 ft. to NW cor Sec 2-8S-80W	30 C*
Taylor Gulch	S 9 <sup>N</sup> 66'55"W 6,128.68 ft. to SW cor Sec 11-8S-80W	20 C*
Piney Creek	S 52 <sup>N</sup> 18'04"W 2,193.82 ft. to SW cor Sec 11-8S-80W	20 C*
Small unnamed streams, springs, seeps, sheet flows and ground water along Eagle-Arkansas Ditch, one of which is located at a point on an unnamed tributary of the East Fork of The Eagle River whence the S¼ cor of S¼ cor of Sec 29-7S-79W of the 6 <sup>th</sup> P.M. bears S60 <sup>N</sup> 9'47"W, a distance of 1,551.06 ft.		30 C*
<b>Total . . . . .</b>		<b>530 C*</b>

\* A = ABSOLUTE  
\* C = CONDITIONAL

## 2.0 Additional Water Rights (88CW449)

2.1 Background: Colorado Springs is the owner of numerous absolute and conditional water rights within Water Division No.5, including those rights associated with what is known as the Homestake Project, a joint venture with the City of Aurora. Additional water rights were decreed (88CW449) to be part of a single water system consisting of surface and underground water rights (absolute and conditional), exchanges and a plan for augmentation, within a reasonably compact geographic location known as Eagle Park also known as Camp Hale, in Eagle County. The system will use water of the Eagle River and certain of its tributaries as identified in the decree. The decreed rights are designed to expand and maximize the beneficial use of the water supplies of Colorado Springs in a manner which will accommodate environmental concerns, including wetland creation and enhancement, while preventing injury to the vested water rights of others, including any lawfully decreed instream flow rights.

<b>Name of Ditch or Reservoir</b>	<b>Type of Water Right</b>	<b>Date of Appropriation</b>	<b>Amount Claimed</b>
Resolution Creek Reservoir	Conditional Surface Storage Right	December 19, 1988	5,000.0 AF C*
Lower East Fork Reservoir	Conditional Surface Storage Right	December 19, 1988	2,500.0 AF C*
Eagle Park Reservoir	Conditional Surface and Underground Storage Rights	December 19, 1988	3,500.0 AF C*
Eagle Park Wetland Irrigation System	Conditional Surface Water Rights	December 19, 1988	60.0 cfs C*
Eagle Park Aquifer Well Field	Application for Conditional Underground Water Rights	December 19, 1988	60.0 cfs C*

\* A = ABSOLUTE

\* C = CONDITIONAL

### 3.0 Pending Water Rights (95CW272)

3.1 Background: In addition, in the pending 95CW272 case, the applicants (City of Colorado Springs and City of Aurora) seek approval of alternate points of diversion for the conditional portions of the Homestake diversion rights decreed in Case No.1193, Eagle County District Court, and subsequently modified in Case Nos. 85CW151, 85CW582, and 85CW583 (Consolidated), Water Division No. 5, to the Homestake Conduit, the East Fork Conduit, and Eagle-Arkansas Ditch. No change is sought regarding any of the absolute water rights for the Homestake Project or for the conditional portion of the Homestake Tunnel.

<b>Name of Ditch or Reservoir</b>	<b>Type of Water Right</b>	<b>Date of Appropriation</b>	<b>Amount Claimed</b>
Blodgett Reservoir	Conditional Surface Storage Right	November 27, 1995	30,000.0 AF C*
Eagle Park Reservoir, Enlargement No.1	Conditional Water Storage Right	November 27, 1995	90,000.0 AF C*
Eagle Park Aquifer Well Field, 1 <sup>st</sup> Enlargement	Conditional Underground Right	November 27, 1995	175.0 cfs C*
Homestake Creek Intake	Conditional Surface Diversion	November 27, 1995	400.0 cfs C*
Turkey Creek Intake	Conditional Surface Diversion	November 27, 1995	200.0 cfs C*
Eagle-Cross Pump and Pipeline	Conditional Surface Diversion	November 27, 1995	1,400.0 cfs C*

\* A = ABSOLUTE

\* C = CONDITIONAL

## Continental-Hoosier Transmountain Diversion System

### **System Overview**

The Continental-Hoosier System, commonly referred to as the “Blue River System,” was completed in the early 1950s and is Springs Utilities’ first transmountain diversion system. The Continental-Hoosier System is a major contributor to Colorado Springs water supply, bringing an average of about 8,500 AF per year to Colorado Springs. This system diverts water from the headwaters of the Blue River and its tributaries above the Town of Breckenridge, Colorado. The Blue River is a tributary of the Colorado River. The Continental-Hoosier System is located upstream of Denver Water’s Dillon Reservoir and Reclamation’s Green Mountain Reservoir.

The Continental-Hoosier System includes storage in the Upper Blue Reservoir, and diversion points on Crystal Creek, Spruce Creek, McCullough Creek, East and West Hoosier Creeks, Silver Creek, and the Blue River. Water diverted from these points, along with water released from the Upper Blue Reservoir, is transported through a series of canals, tunnels and siphons to the Hoosier Tunnel. The Hoosier Tunnel transports the water beneath the Continental Divide to Montgomery Reservoir, located on the Middle Fork of the South Platte River above the town of Alma, Colorado.

Springs Utilities owns two water rights for the West Slope portion of this system. The 1929 water rights are for a portion of the flow in East and West Hoosier Creeks. The remaining diversions are made under Springs Utilities 1948 water rights. Diversions under the 1948 rights are also governed by the Blue River Decree, which relates to Reclamation’s 1935 Green Mountain Reservoir rights. As Springs Utilities’ 1929 rights are senior to Reclamation’s 1935 Green Mountain Reservoir rights, diversions under these rights are not subject to substitution replacement operations under the Blue River Decree.

### **Conditional Storage Rights**

Colorado Springs intends on developing its remaining conditional water rights associated with the Continental-Hoosier System, which were originally decreed in Civil Action No. 1806 (Summit County District Court), dated May 10, 1952, and Consolidated Cases No. 2782, 5016, and 5017 (United States District Court), dated October 5, 1955 and most recently confirmed in Water Division No. 5 Case No.06CW132. These conditional storage rights have an appropriation date of May 13, 1948 and include over 3,000 AF of additional storage on Monte Cristo Creek and Spruce Creek, which are tributary to the Blue River above Breckenridge.

<b>Name</b>	<b>Amount (Acre Feet)</b>
Mayflower Reservoir	618
Lower Blue Lake Reservoir	1,006
Spruce Lake Reservoir	1,542

### **Other Water Rights**

Colorado Springs also maintains additional pending and decreed conditional and absolute water rights, including appropriative rights of substitution and exchange, associated with its Continental-Hoosier System which have not been included in Attachment A. Please refer to the Division No. 5 water rights tabulation or contact Pat Wells, Colorado Springs Utilities’ Water Planning Supervisor, at (719) 668-3839 or via e-mail at [mpwells@csu.org](mailto:mpwells@csu.org), for additional details on the Continental-Hoosier System and associated water rights.