

ORV Long Term Protective Measures and Cooperative Measures

Long Term Protective Measures

Interactions with Historic User Pool (HUP) Process

Season: June - October

Parties: Upper Colorado reservoir owners / HUP participants

Benefits: Coordinated and Additional Water Releases

“The Historic Users Pool (“HUP”) conference calls are conducted in summer into the fall. These calls involve discussions on determining the volume, timing and rate of flow for releases from the HUP pool in Green Mountain Reservoir. In addition, the calls provide information that informs the determination as to whether conditions allow for the declaration of a HUP Surplus. Water that is surplus to the needs of the HUP, can be used for Municipal-Recreation Contract deliveries to entities in the Grand Valley, which uses have the ancillary benefit of providing environmental benefits to the 15-Mile Reach of the Colorado River. Such releases are administered in a manner that also provides recreational and environmental benefits the stream reaches that are the subject of the SG Plan. Participation in these conference calls by SG members will help to facilitate communication with water users, state administrators, federal agencies, and others on river management impacting the subject stream reaches, as well as to identify river management opportunities that could benefit the subject stream reaches.”

Instream Flow Administration

Season: Year-Round

Parties: Colorado Water Conservation Board (CWCB)

Benefits: Increased flow protection

In 2009, the Stakeholder Group (SG) recommended the CWCB appropriate instream flow (ISF) water rights on three segments of the Colorado River that are eligible for Wild and Scenic designation. [The CWCB appropriated ISF water rights in 2011, which were decreed in 2013.](#) The ISF water rights on the Colorado River are located between the confluence of the Blue River and the confluence with the Eagle River. These rights correspond to Segments 4, 5, and 6 managed by the SG Management Plan. The ISF rates vary by season and reach, and range from 500 to 900 cfs. In 2016, the SG and other entities coordinated to install and operate the Colorado River at Catamount Bridge streamflow gage (USGS 09060799). This gage, the Colorado

River at Kremmling (USGS 09058000), and other gages may be used to request administration by the Division of Water Resources (DWR). This could result in the protection of existing or additional flow in the ISF reaches if the DWR's curtailment of junior water rights, exchanges, or undecreed diversions would prevent new depletions to the instream flow reaches that are junior to the administrative priority of the subject instream flow water rights.

Cooperative Measures

Middle Park Water in Granby Reservoir

Season: Year-Round

Parties: Middle Park Water Conservancy District (MPWCD)

Benefits: Potential flushing flows / temperature mitigation / flow stabilization as ancillary benefits to delivery of water for allowed beneficial uses consistent with the Windy Gap Water Rights as described further below.

The [Windy Gap Firming Project Intergovernmental Agreement \(WGFP IGA\)](#) provides certain enhancements associated with the Windy Gap Firming Project (WGFP), including the Middle Park Water Apportionment for the Middle Park Water Conservancy District (MPWCD). The WGFP IGA provides for the storage and release of Middle Park Water Apportionment from Granby Reservoir. The Middle Park Water Apportionment consists of the Middle Park Annual Water Supply (2300 af/yr.) and the Middle Park Variable Water Supply (up to 1500 af/yr.). The Middle Park Variable Water supply can be carried over to the next accounting year up to 3000 af. Any use of the Middle Park Water Apportionment would have to be approved by MPWCD. The Middle Park Water Apportionment in Granby Reservoir can be used only for the beneficial uses allowed under the Windy Gap Water Rights which, pursuant to the 1980 and 1985 Agreements¹, include all beneficial uses except for instream uses and industrial uses (unless the industrial use is within a municipality and through its municipal water system)². When operating under the WGFP IGA, the Middle Park Water Apportionment may be used for all beneficial uses allowed by the 1980 and 1985 Agreements and any other use authorized in a subsequent written agreement between Middle Park and Northern Water³. For more detailed information about Middle Park Water in Granby Reservoir, refer to the WGFP IGA.

¹ April 30, 1980 "Agreement Concerning the Windy Gap Project and the Azure Reservoir and Power Project" (the "1980 Agreement" and March 29, 1985 "Supplement to Agreement of April 30, 1980" (the "1985 Agreement").

² At paragraph 17 of the 1980 Agreement.

³ At section III.E.5 of the WGFP IGA.

Grand County Water in Granby Reservoir

Season: Year-Round

Parties: Grand County

Benefits: Potential flushing flows / temperature mitigation / flow stabilization as ancillary benefits to delivery of water for allowed beneficial uses consistent with the Windy Gap Water Rights as described in the WGFP IGA.

The [Windy Gap Firming Project Intergovernmental Agreement \(WGFP IGA\)](#) provides certain enhancements associated with the Windy Gap Firming Project (WGFP), including the Grand County Water Apportionment for Grand County. The WGFP IGA provides for the storage and release of Grand County Water Apportionment from Granby Reservoir. The Grand County Water Apportionment consists of Grand County Transfer Water (Middle Park Water Apportionment in Granby Reservoir transferred to Grand County from MPWCD) and the Grand County Variable Water Supply (Windy Gap Project water pumped for Grand County under the WGFP IGA). The Grand County Water Apportionment can be carried over to the next accounting year in an initial amount of 7,500 af, then 6,500 af and a permanent amount of 4,500 af and can be used for all beneficial uses allowed under the Windy Gap Water Rights. (Note: any use of Grand County Apportionment Water would have to be approved by Grand County). For more detailed information about Grand County Water, refer to the WGFP IGA.

Coordination of 5412.5 Water Releases from Granby Reservoir

Season: July - October

Parties: U.S. Fish and Wildlife Service with input from upstream water users

Benefits: Municipal / Recreational flows and enhancement of 15-mile reach target flows

The [Upper Colorado River Endangered Fish Recovery Program](#) requires East and West slope water users to provide a total of 10,825 acre feet of water each year to the 15-mile reach of the Colorado River above Grand Junction to benefit endangered fish species. Half of the 10,825 acre feet is released each year from Lake Granby on behalf of the East slope water users, while the remaining half provided on behalf of the West slope water users comes from Ruedi Reservoir on the Fryingpan River above Basalt. The 5412.5 af of water in Granby Reservoir is released annually during summer and early fall for municipal-recreational uses in the 15-mile reach, which also benefits the endangered fish species in the 15-mile reach. The release of 5412.5 af of water from Granby Reservoir to the Colorado River below Granby Reservoir passes through the Wild and Scenic reaches on the way to the 15-mile reach, benefitting Wild and Scenic values. U.S. Fish and Wildlife decides the flow rate of water released from Granby with input from the Historic Users Pool (HUP) call participants.

The Colorado River Cooperative Agreement (CRCA)

Season: Various

Parties: Directly involves 43 parties that have either signed the agreement or are receiving benefits.

Benefits: Long-term partnership to benefit water supply, water quality, recreation, and the environment on both sides of the Continental Divide

[The Colorado River Cooperative Agreement \(CRCA\)](#) is between Denver Water and 17 West Slope water entities. Among other provisions, this agreement serves to enhance natural flows in the Colorado River, provide additional water to ski areas for recreational use, promote water conservation and reuse, and provide Denver Water with greater certainty in developing future water supplies for its customers.

Provisions Related to Grand County commitments and the Williams Fork and Upper Colorado River Basin

- Denver Water will make available 1,000 acre-feet of water each year from its Fraser River Collection System for environmental purposes in Grand County, at times and locations requested by Grand County through the Learning By Doing process. This water otherwise would have been diverted to the East Slope. This water will be matched with an additional 1,000 acre-feet from Williams Fork Reservoir under specific conditions that also will be released at the request of Grand County. The Colorado Water Conservation Board will use this water to preserve and improve the natural environment on numerous stream reaches in Fraser, Williams Fork, and Colorado River basins pursuant to a Water Delivery Agreement with Denver Water and Grand County and to the [decree in Case No. 11CW152](#). It is expected that this source of water will benefit the Wild and Scenic reaches downstream in most circumstances. (Note: Any use of this water specifically for use under the SG Plan would have to be approved by Grand County through the Learning By Doing process).
- Denver Water will not oppose Colorado Water Conservation Board instream flow filings on the Colorado River below the Blue River and will not oppose a Recreational In-Channel Diversion water right filing on the Colorado River below Gore Canyon.

Provisions Related to the Shoshone Call

- The parties will implement a “Shoshone Outage Protocol” during an outage of the Shoshone Power Plant to mitigate the potential adverse environmental and recreational effects of the absence of the Shoshone Call. Denver Water, the Middle Park District and the River District agree to operate their water collection and storage systems as if the senior Shoshone Power Plant right were in priority during specified times when the plant is not operational. The parties will cooperate to achieve permanent management

of the flows of the Colorado River based on historical conditions and will work with the Bureau of Reclamation to achieve operation of Green Mountain Reservoir based on the Outage Protocol.

- The parties agree to not oppose the existing 2007 call relaxation agreement between Denver Water and Xcel Energy and to support renewal of the agreement.
- Denver Water will not oppose a Recreational In-Channel Diversion application for the boating park in Glenwood Springs.

Provisions Related to Eagle County

- Denver Water will not seek new appropriations of water without the approval of several Eagle County water users and Eagle County and will not oppose a future interconnect between Clinton Reservoir and Eagle Park Reservoir.

Provisions Related to the Colorado River Outside Grand and Summit Counties

- Denver Water will pay \$500,000 to offset additional operations and maintenance costs for water treatment plants in Garfield County to address the exercise of drought relaxation of the Shoshone Call.
- Denver Water will place \$1 million into an endowment fund to protect Wild & Scenic Outstandingly Remarkable Values.

Shoshone Outage Protocol

Season: Year-Round

Parties: USBR, Denver Water, The Colorado River District, Middle Park Water Conservancy District, Northern Water, Northern Water Municipal Subdistrict, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and Grand Valley Irrigation Company

Benefits: Increased flows during Shoshone Power Outage

Shoshone Hydropower Plant water rights are very senior on the Colorado River and, when a Shoshone call is being administered, upstream junior water rights are called out. When the Shoshone power plant is not operating due to a shutdown for repair, maintenance, or other reasons, (Shoshone Outage) the senior Shoshone water rights cannot be exercised which creates diversion opportunities for upstream junior water users. This results in reduced Colorado River flows. The [Shoshone Outage Protocol Agreement](#) provides for actions/conditions of operation by the participating parties when a Shoshone Outage occurs with the goal of keeping the flow regime of the Colorado River as it has been historically influenced by the senior Shoshone call. Consequently, during a Shoshone Outage (subject to defined exceptions) the participating parties operate their junior water rights as if the Shoshone call were on, even though the Shoshone Hydropower Plant is not operational.

West Slope Water from Shoshone Reduction

Season: Calendar year following implementation of call reduction

Parties: Colorado River District, Middle Park Water Conservancy District, Grand County, and other West Slope Water Users

Benefits: Potential Increase in water availability

Denver Water and Xcel Energy are parties to the [2007 Shoshone Call Reduction Agreement](#). That agreement is designed to increase water availability to Denver Water by temporarily reducing the Shoshone call from March 14 to May 20 of critically dry years as defined in the agreement. XCEL Energy, operators of the Shoshone Hydropower Plant, has agreed to partially shutting down the hydro plant during such water shortage periods to allow water to be diverted upstream by Denver Water for use on the East Slope. Denver Water pays power interference to compensate for the cost of replacement power and also makes 15% of the net water diverted and stored available to XCEL and another 10% of the net water available to West Slope entities during the same calendar year in which such diversions are made. Although the agreement has the effect of de-watering the Wild and Scenic segments during the early-spring period of dry years, the West Slope entities may choose to use the 10% allocation to supplement flows later in the summer.

Reservoir Management by Wild and Scenic Entities

Season: Varies, primarily between April - October

Parties: USBR, Northern Water, Denver Water, The Colorado River District

Benefits: Increased flows

[Several major reservoirs upstream of the Wild and Scenic stream segments may](#) be able to help satisfy flow demands in the Wild and Scenic reaches through voluntary coordinated and strategically timed releases in years when such releases are needed to reach preferred winter storage levels. This management tool is voluntary and opportunistic in nature and will occur only through close coordination with the water operators owning those facilities.

River Operations/Coordination (State of the River/CROs)

Season: May - June

Parties: Upper Colorado reservoir owners / CROs participants

Benefits: Enhance the natural peak flows for 7 to 10 days in the 15-mile reach

“State of the River” (SOR) phone calls begin in the spring to check flow conditions, anticipate runoff conditions, and evaluate the possibility for implementing [Coordinated Reservoir Operations \(CROs\)](#) during the peak portion of the runoff hydrograph. The objective of CROs is to coordinate, on a voluntary basis, the passing of inflow from various reservoirs upstream of the 15-Mile Reach to augment spring peak flows to benefit endangered species habitat in the reach without exceeding the National Weather Service flood stage at Cameo. The reservoirs that have participated in CROs operations include Wolford Mountain, Williams Fork, Dillon, Homestake, Green Mountain, Ruedi, Granby, and Willow Creek. Water releases from the reservoirs located upstream of the Wild and Scenic segments can enhance Wild and Scenic ORV’s. CROs occurs in years when runoff conditions allow participating reservoirs to contribute without affecting their yield.

Water Acquisitions

Season: Year-Round

Parties: SG working with voluntary parties, including CWCB ISF (Instream Flow) Program

Benefits: Acquire water rights and interests in water to preserve or improve flow and the natural environment

[The CWCB can acquire water rights and interests in water to preserve or improve the natural environment to a reasonable degree.](#) Willing water right owners may donate, sell, lease or loan water to the CWCB on a permanent, long-term, or temporary basis. For permanent and long-term acquisitions, the CWCB must obtain a decreed right to use the acquired water for instream flow (ISF) purposes, and in most cases, the acquired water rights are administered according to their original priority date. Temporary leases of water for ISF use require Division of Water Resources approval. An expedited temporary lease has a term of up to one year and can be exercised for up to 120 days to preserve the natural environment up to the flow rates decreed for the subject ISF reach. A renewable temporary lease of water for ISF use can be exercised for up to 120 days within a year, and for up to five years within a ten-year period to preserve and improve the natural environment on the subject ISF reach.

The Wild and Scenic Stakeholder Group may utilize funds to acquire water or interests in water to support ORV’s. Examples may include leasing water in Granby Reservoir from Grand County, assisting Grand County with pumping costs to store water in Grand County, leasing water from other projects in the Upper Colorado River and Eagle River basins, or assisting CWCB in paying for water rights and interests in water for ISF use where such water would support ORVs.

Non-diversion Agreements

Season: Typically, during irrigation season, but may occur at other times

Parties: SG working with voluntary parties

Benefits: Increased flows

Non-diversion agreements are contractual agreements with water right owners. The Wild and Scenic Stakeholder Group could work with water right owners to negotiate agreements to bypass some water that would otherwise be diverted from a particular reach of river. Non-diversion agreements could be used to increase stream flows during critical time-frames, but increased flows resulting from non-diversion agreements cannot always be protected from diversion through a reach of stream. In other words, any increase in streamflow could be diverted by in-priority diversion structures.

13CW3109 Glenwood Recreational In-channel Diversion (RICD)

Season: April 1 through September 30

Parties: Eight W&S stakeholders (American Whitewater, Aurora Water, Bureau of Land Management, Colorado River Water Conservation District, Grand County, Colorado Springs, Colorado Water Conservation Board, and Denver Water) have negotiated RICD terms through water rights litigation, modeling, and negotiations. Water court stipulations are completed and a stipulated decree has been submitted to the Water Judge for approval and entry as the decree of the court.

Benefits: In 2013 the City of Glenwood Springs applied for a recreational in-channel diversion water right. After lengthy analysis and negotiation amongst the parties, a stipulated decree was approved by all parties and is waiting approval by the water judge. The result will be a decreed water right that will complement the intent of the SG Plan.

When Glenwood Springs exercises the RICD's 2013 right, upstream junior water rights would be curtailed (subject to the terms of the RICD decree), thus preventing new depletions to the RICD reach. The water flowing through the RICD may also flow through the W&S Segments. In addition, the RICD could help support Cooperative Measures by serving as a decreed in-channel beneficial use.

2010CW298 Gore Canyon Whitewater Park Recreational In-channel Diversion (RICD)

Season: April 5 through October 15

Parties: Nine W&S stakeholders have negotiated RICD terms through water rights litigation, modeling, and negotiations. Water court stipulations were completed with Aurora Water, Bureau of Land Management, Colorado River Water Conservation District, Colorado Springs, Colorado Water Conservation Board, Denver Water, Middle Park Water Conservancy District, Northern Colorado Water Conservancy District and the Municipal Subdistrict, Northern Colorado Water Conservancy District, and Summit County.

Benefits: In 2010, Grand County applied for a recreational in-channel diversion water right. After lengthy analysis and negotiation amongst the parties, the result was a decreed water right issued in 2014 that will complement the intent of the SG Plan.

When Grand County exercises the RICD's 2010 right, upstream junior water rights would be curtailed (subject to the terms and conditions of the RICD decree), thus preventing new depletions to the RICD reach. The water flowing through the RICD may also flow through the W&S Segments. In addition, the RICD could help support Cooperative Measures by serving as a decreed in-channel beneficial use.

Facility Improvements

Season: Year-Round

Parties: BLM, USFS, Eagle County, Grand County, Garfield County, CO Dept. of Transportation

Benefits: Better infrastructure to support human access to and use of the river corridor

Facilities that accommodate and support human usage of the river corridor have a direct relationship to the quality and status of outstandingly remarkable values. Facilities that affect the health of the river corridor and the quality of the recreational experience include roads, bridges, trails, signage, fences, boat ramps, campgrounds, restrooms, water supply systems, day-use areas, and river access points. These facilities are typically constructed and managed by BLM, USFS, and state/local governments that own land along the river corridor. Construction, maintenance, and operation of these facilities requires significant planning, financial and personnel resources. If the Stakeholder Group observes that the river corridor lacks critical facilities, or that a facility is in poor condition, needs redesign, or is overused, it can initiate a dialogue with the relevant government management agency to address the issue. Strategies that may be developed may include cooperative efforts to seek additional funding through grants or through agency budgeting processes, requests for reprioritization of agency budgets, engagement of interest groups to assist with personnel or funding issues, or close involvement in agency planning efforts that affect the river corridor.

County, State, BLM/USFS projects

Season: Year-Round

Parties: BLM, USFS, Eagle County, Grand County, Garfield County, CO Dept. of Transportation

Benefits: Minimize impacts to ORVs through coordination with project proponents and permitting agencies.

Given the mixture of federal, state, local government, and private lands in the river corridor, there are a wide variety of potential land uses that could affect outstandingly remarkable

values. Examples of land uses that could potentially affect ORVs include reconstruction of irrigation diversion structures, development of gravel pits to support road construction, purchase of river access points for public or commercial usage, treatments of vegetation to reduce fire hazards, changes in grazing or wildlife management, new energy pipelines, or upgrades to electric transmission facilities. Through its diverse membership, the stakeholder group can monitor these activities and make assessments as to whether the usage has the potential to degrade the ORVs. If a concern arises, the stakeholder group can identify how the activity is authorized and implemented and initiate collaborative communication with appropriate parties to communicate how the activity may affect ORVs. The stakeholder group may suggest modification or relocation of the activity that would continue to meet landowner objectives. The stakeholder group may also identify sources of technical assistance and funding to help the landowner avoid and minimize impacts to ORVs.

Stream Improvements

Season: Year-Round

Parties: Federal, State, County, Private Groups, Local Watershed Groups

Benefits: Maintenance of the ORVs

Stream improvements encompass a large range of potential actions that could benefit the Wild and Scenic reaches. These could range from relatively small-scale habitat improvement projects such as installation of woody debris or other habitat elements within the Wild and Scenic reaches to large scale channel restoration efforts that extend beyond the Wild and Scenic reaches. Examples of large-scale efforts could include the Windy Gap Bypass project or modification of the channel over long reaches to provide better habitat at low flows. Other examples of stream improvements could include bank stabilization projects, revegetation, assistance with ORV related facilities, or removal of invasive species. Large scale projects would likely involve coordinating with other entities such as the [Learning by Doing](#) group upstream or the Colorado River Recovery Program efforts downstream. Through its outreach work, the Cooperative Measures group will stay informed about ongoing stream improvement efforts and notify the Stakeholder Group of any opportunities for Stakeholder Group members to participate in such efforts.

Outreach

Season: Year-Round

Parties: Federal, State, County, Private Groups, Local Watershed Groups

Benefits: Facilitation and Education

The Cooperative Measures group will work with stakeholders through a number of different means. These might include presentation of reliable information on the Wild and Scenic website, such as streamflow conditions, forecasts, angling restrictions, ORV related issues (like river operation changes, water quality alerts, etc.), or directing those interested to reliable

sources of data. Representatives of the group might participate in different discussions, including Learning By Doing, HUP, and CROs calls. When required, press releases will be distributed to inform the public of Stakeholder Group activities.