

CONDITIONS OF APPROVAL FOR CERTAIN DIVERSIONS FROM STREAMS WITH INSTREAM FLOW WATER RIGHTS

The Colorado Water Conservation Board (“CWCB”) owns instream flow water rights on numerous streams within HASP’s service area. The existence of a CWCB water right may cause HASP to impose additional conditions on its approval of your application. To figure out if you are potentially affected, follow the steps below.

1. A list of the instream flow water rights is in the table below. Look for the flowing stream nearest to your diversion structure (i.e., well, pipe, ditch, etc) to see if it is included on the list.
2. If the closest stream does not appear on the list, then HASP likely will not have to impose additional conditions on the approval of your application.
3. If the closest stream does appear on the list, then HASP may have to impose additional conditions on the approval of your application. Whether HASP needs to impose additional conditions depends on whether you can prove that each of your proposed uses under HASP’s plan for augmentation pre-dates the CWCB’s appropriation date for its water right on the nearest stream.
4. If you can prove that all of your proposed uses pre-date the CWCB’s appropriation date, then HASP will argue that no additional conditions of approval are necessary.
5. If you can prove that some of your proposed uses pre-date the CWCB’s appropriation date, then HASP will argue that no additional conditions are necessary for the specific uses that pre-date the CWCB’s water right. For those uses that do not pre-date the CWCB’s appropriation date, HASP must impose the additional conditions in #7 on the approval of your application.
6. If you cannot prove that any of your proposed uses pre-date the CWCB’s appropriation date, then HASP must impose the additional conditions in #7 on the approval of your application.
7. For any uses that do not pre-date the CWCB’s appropriation date for its water right on the nearest stream, HASP will impose the following conditions on its approval of your application.
 - a. If the CWCB places a call for its water right that would otherwise result in the curtailment of your diversion, HASP will augment the out-of-priority depletions in time, place and amount to the extent necessary to prevent injury to the CWCB’s water right by whatever means available at the time of the call. This includes, but is not limited to, trucking replacement water to the location of the CWCB’s call.
 - b. If HASP trucks water to protect a CWCB water right because of your diversion, you must promptly reimburse HASP for all reasonable costs of trucking water to the stream. HASP may remove you from the augmentation plan if you fail to reimburse such billed costs.

COLORADO WATER CONSERVATION BOARD INSTREAM FLOW WATER RIGHTS

Index	Stream Name	Case Number	Amount (cfs) (year-round unless noted)	Appropriation Date
1	Antelope Gulch	1-80CW221	1.5	5/7/1980
2	Beaver Creek	1-76W8226	3	1/14/1976
3	Beaver Creek	1-84CW635	1	1/6/1984
4	Bruno Gulch	1-84CW642	2	1/6/1984
5	Buckskin Creek	1-76W8220	5	1/14/1976
6	Buffalo Creek	1-84CW648	3	1/6/1984
7	Burning Bear Creek	1-78W9374	1	7/11/1978
8	Camp Creek	1-84CW645	1	1/6/1984
9	Craig Creek	1-80CW209	8	5/7/1980
10	Crooked Creek	1-76W8235	2	1/14/1976
11	Deer Creek	1-84CW643	2	1/6/1984
12	Dolly Varden Creek	1-79CW194	1.5	3/14/1979
13	Duck Creek	1-78W9264	0.5	1/19/1978
14	Elk Creek	1-84CW646	5	1/6/1984
15	Fourmile Creek	1-76W8224	8	1/14/1976
16	Geneva Creek	1-78W9371	11	7/11/1978
17	Geneva Creek	1-84CW640	2.5	1/6/1984
18	Goose Creek	1-80CW215	10 (5/1-9/30); 6 (10/1-4/30)	5/7/1980
19	Hankins Gulch	1-86CW306	2 (4/1-10/31); 1 (11/1-3/31)	9/5/1986
20	Hoosier Creek	1-84CW639	1	1/6/1984
21	Horse Creek	1-80CW210	5	5/7/1980
22	Jefferson Creek	1-76W8234	6	1/14/1976
23	Kennedy Gulch	1-86CW298	1	9/5/1986
24	Kenosha Creek	1-84CW638	1	1/6/1984
25	Kirby Gulch	1-84CW641	2	1/6/1984
26	Lake Fork Jefferson Creek	1-76W8221	3	1/14/1976
27	Lamping Creek	1-84CW637	2	1/6/1984
28	Little Turkey Creek	1-80CW218	1	5/7/1980
29	Long Gulch Creek	1-80CW222	1.5	5/7/1980
30	Lost Creek	1-80CW216	5	5/7/1980
31	Lynch Creek	1-79CW195	0.5	3/14/1979
32	Michigan Creek	1-76W8230	7	1/14/1976
33	Middle Fork South Platte River	1-80CW064	12 (5/1-9/30); 6 (10/1-4/30)	1/30/1980
34	Middle Fork South Platte River	1-80CW065	4	1/30/1980
35	Middle Fork South Platte River	1-80CW066	4	1/30/1980
36	Middle Fork South Platte River	1-80CW067	16 (5/1-9/30); 8 (10/1-4/30)	1/30/1980
37	Mosquito Creek	1-76W8222	4	1/14/1976
38	North Beaver Creek	1-84CW636	1	1/6/1984
39	North Elk Creek	1-84CW647	1	1/6/1984
40	North Fork Lost Creek	1-80CW219	2	5/7/1980
41	North Fork Tarryall Creek	1-76W8228	7	1/14/1976
42	Northrup Gulch	1-86CW308	0.5	9/5/1986
43	Pony Creek	1-79CW197	0.5	3/14/1979
44	Pruden Creek	1-79CW198	1	3/14/1979
45	Quartzville Creek	1-79CW193	2	3/14/1979
46	Rich Creek	1-76W8232	3	1/14/1976
47	Rough & Tumbling Creek	1-76W8225	8	1/14/1976
48	Sacramento Creek	1-75W8016	8 (5/1-9/30); 3 (10/1-4/30)	7/9/1975
49	Salt Creek	1-76W8233	2	1/14/1976
50	Scott Gomer Creek	1-78W9373	4	7/11/1978
51	Sheep Creek	1-76W8236	3	1/14/1976
52	South Fork Lost Creek	1-80CW217	3	5/7/1980
53	South Fork South Platte River	1-77W8728	7	11/15/1977
54	South Fork South Platte River	1-02CW373	10 (4/15-10/31); 4.4 (11/1-4/14)	1/23/2002
55	South Mosquito Creek	1-76W8223	4	1/14/1976
56	Tanglewood Creek	1-84CW644	1	1/6/1984
57	Tarryall Creek	1-76W8229	7	1/14/1976
58	Tarryall Creek	1-77W8729	14	11/15/1977
59	Tarryall Creek	1-77W8730	20	11/15/1977
60	Threemile Creek	1-78W9372	1	7/11/1978
61	Trail Creek	1-77W8732	2	7/11/1978
62	Trout Creek	1-76W8227	4	1/14/1976
63	Trout Creek	1-77W8731	2	11/15/1977
64	Turkey Creek	1-80CW208	2	5/7/1980
65	Twelvemile Creek	1-76W8231	8	1/14/1976
66	West Creek	1-80CW211	4	5/7/1980
67	West Creek	1-80CW212	1.5	5/7/1980
68	Wigwam Creek	1-80CW214	3	5/7/1980
69	Willow Creek	1-79CW196	0.5	3/14/1979