



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Northwest Region Office  
711 Independent Ave.  
Grand Junction, CO 81505  
P 970-255-6100 | F 970-255-6111

October 12, 2018

Balcomb & Green  
Attn: Mr. Scott Grosscup  
P.O. Box 790  
Glenwood Springs, CO 81602

Re: Lake Avery Expansion

Mr. Grosscup:

This letter is in response to the Yellow Jacket Water Conservancy District ("District") request (April 30, 2018) that Colorado Parks and Wildlife (CPW) consider entering into an agreement to allow the District to move a portion of its Sawmill Mountain Reservoir water rights to Lake Avery (aka Big Beaver Reservoir), creating the potential for expansion of Lake Avery. CPW appreciates the opportunity to work collaboratively with other entities and partners to address water supply and natural resource related issues, and has given serious consideration to this request.

CPW is concerned about maintaining instream flows in the upper White River drainage during peak irrigation season in order to protect aquatic resources, particularly during dry years. In order to mitigate low flow conditions in the upper White River, CPW entered into an "Interagency Agreement To Loan Water For Instream Flow Use" ('Agreement') with the Colorado Water Conservation Board (CWCB) on July 23, 2012 under statute allowing such loans (C.R.S. 37-83-105(2)). The Agreement allows for a limited number of releases of CPW's Lake Avery storage, up to a maximum of 3000 AF, to help meet the minimum instream flow in the White River of 200 cubic feet per second (cfs).

The Agreement is only valid for a 10-year period from July 23, 2012 - July 22, 2022, and limits CPW to a total of three releases within the 10-year term. CPW has already utilized two of the three release opportunities in 2012 and 2018, with one additional opportunity to release stored water remaining until the Agreement expires. At this time, there are no legal provisions to allow for renewal of the '3-in-10' lease with CWCB, and looking forward, CPW is very concerned about the limitations in the Agreement and lack of any permanent ability to mitigate for aquatic resource impacts in the White River. Existing demands for water (i.e., agricultural irrigation) along with the recent drought and anticipated warming have elevated the need for additional storage capacity in the White River drainage. Lake Avery appears to represent a realistic and feasible site for expansion of water storage in the upper White River drainage.

CPW also has a relatively small amount of water (up to a maximum of 3,000 acre-feet) currently available in Lake Avery that can be utilized to meet the instream flow without negatively impacting the aquatic habitat and recreational opportunities of Lake Avery itself.

