MEMORANDUM

To: Yellow Jacket Water Conservancy Board of Directors

From: Scott Grosscup

Date: February 3, 2020

Re: Water Rights

Directors:

This memorandum provides a summary of the Yellow Jacket Water Conservancy District’s remaining portfolio of conditional water rights and options that may be available for developing these water rights along with limitations.

**Water Rights and Limitations.**

The District has preserved the following conditional water rights:

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| **Water Right** | **Original Decree** | **Amount** | **Appropriation date** | **Uses** |
| Sawmill Mountain Reservoir | W-3245, Sept. 29, 1977 | 10,000 Acre Feet | Oct. 7, 1976 | Municipal, industrial, agricultural, domestic and recreational |
| North Fork Feeder Conduit | W-3245, Sept. 29, 1977 | 25 cfs | Oct. 7, 1976 | Municipal, industrial, agricultural, domestic and recreational |
| Ripple Creek Reservoir | CA 1269, Nov. 21, 1966 | 12,500 Acre Feet1 | Nov. 9, 1953 | Irrigation, domestic, municipal, stock water, industrial, flood control,  piscatorial, wildlife protection and preservation, and recreational uses |
| Lost Park Reservoir | CA 1269, Nov. 21, 1966 | 12,500 Acre Feet1 | Nov. 9, 1953 | Irrigation, domestic, municipal, stock water, industrial, flood control,  piscatorial, wildlife protection and preservation, and recreational uses |

1. The YJWCD has agreed to limit storage of Ripple Creek Reservoir and Lost Park Reservoir to no more than 12,500 acre feet at one or more locations downstream from the presently decreed locations.

***Sawmill Mountain Reservoir***. The District agreed to limit its ability to store 3,000 af of Sawmill Mountain Reservoir above Livingston ranch, but may store all or some at a point below the ranch. The Sawmill Mountain Reservoir may only fill using native flows, no water pumped from White River. The District also agreed to not interfere with Livingston water rights or inundate the Livingston property and must comply with all instream flow water rights. No more than 10,000 af may be stored in the Big Beaver drainage. The District has applied to move all of this water right to the Big Beaver Creek Reservoir a/k/a Lake Avery, in Case No. 19CW3017. That case is unopposed.

In 2018, Applegate Group prepared an analysis of the potential expansion. One option considered increasing the height of the dam by 5 feet. Preliminary cost estimates were $3.5 million with an increase of storage of 1,727 acre feet, or $2,051 per acre foot. Assuming the District is successful in the change of water right and future diligence application, the District will still need to negotiate with Colorado Parks and Wildlife for the storage and operations in Lake Avery as well as costs for construction.

***North Fork Feeder Conduit***. This water right diverts from the North Fork of the White River at a point between Lost Creek and Marvine Creek. The District agreed that it would not construct this water right on any lands owned by C Lazy S Ranch, Colorado Cattlemen’s Agricultural Land Trust, Fawn Creek and David Cogswell and to move this water right so it does not cross the respective properties within this diligence cycle.

This water right is junior to the senior priority at Taylor Draw but senior to the junior priority. And it is senior to the Colorado Water Conservation Board’s instream flow right that has an appropriation date of November 15, 1977. This water right is a direct flow right. It could be moved to a location downstream and used by downstream and has the potential for direct use or to fill a reservoir. However, a preliminary review of the tabulation of water rights on the White River indicates that this water right is junior to all of the major irrigation ditches. Thus, it does not appear that there would be a need by any irrigators for this water right. By comparison, the District’s Highland Ditch water right has a September 6, 1961 appropriation date. That right is senior to the Highland Ditch’s sixth enlargement (with a May 1, 1968) and thus provides a benefit to the Highland Ditch. Whereas, the North Fork Feeder Conduit would still be junior to that sixth enlargement.

***Ripple Creek Reservoir and Lost Park Reservoir.*** The District agreed to limit total storage under these two water rights to 12,500 acre feet. These reservoirs have the same priority and uses. However, Lost Park Reservoir is located off stream, whereas Ripple Creek Reservoir is located on channel with its source being the White River. Without the feeder canals to fill Lost Park Reservoir, the Ripple Creek Reservoir water right has a more reliable supply of water and is the better right to preserve. The 2013 Reservoir Feasibility Study determined an average of 43,400 acre feet of available supply for Ripple Creek Reservoir, and only 4,300 acre feet for Lost Park Reservoir from native flows.

The District agreed to only fill and divert from the White River and its tributaries in connection with its water rights between April 15th and June 15th of each year, and at a maximum, cumulative rate of 100 cfs. However, this maximum, cumulative fill rate of 100 cfs dose not apply when the flows of the White River between April 15th and June 15th of each year are 500 cfs or greater, as measured at the White River below North Elk Creek near Buford USGS gage (Station ID No. 09304115). Nor does this limitation apply if the water rights are changed to a point of diversion or place of storage downstream of the Town of Meeker.

Applegate Group has looked at a number of potential locations for these water rights in 2016. A copy of that study is attached. Many of the storage sites are located on federal lands and some on private lands. Applegate Group recently evaluated the potential of a call on the White River and concluded that there is the potential for a call by a CWCB instream flow call during the summer months. This means that a water storage structure located downstream would not be able to augment by exchange water rights that are upstream of the reservoir.