

DIVISION 6

2023 ANNUAL SUMMARY



Water District 43, White River Basin, Photo Credit: Betty Kracht

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COLORADO
Division of Water Resources
Department of Natural Resources

2023 ANNUAL SUMMARY

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Introduction

The following report summarizes the activities of the Division 6 office of the Colorado Division of Water Resources, presents an overview of the administration activities that took place, and provides statistical data for 2023.

Basin Hydrology

Snowpack

Snow water equivalent (SWE) in the Yampa-White-Little Snake basins peaked on April 7, 2023 at 30.1 inches; while the median SWE, based on the period 1991 through 2020, is 20.2 inches with the median peak occurring on April 8.

Peak SWE in the Laramie-North Platte basins peaked on April 8 at 29.3 inches; while the median SWE, based on the period 1991 through 2020, is 23.3 inches with the median peak occurring on April 25.

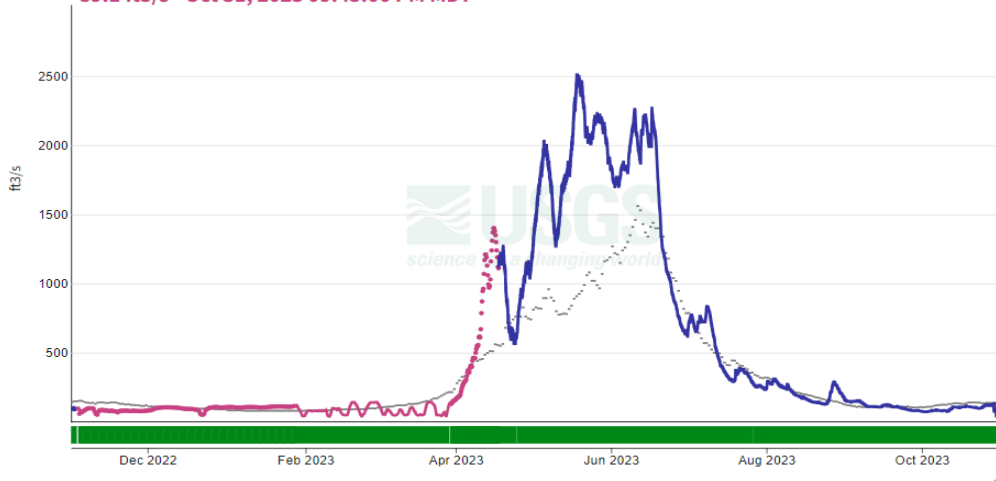
Streamflows

The graphs below show the streamflows for 2023 between November 1 and October 31 for the North Platte River near Northgate, CO; White River below Boise Creek, near Rangely, CO; Little Snake River near Lily, CO; and Yampa River near Maybell, CO.

North Platte River Near Northgate, CO - 06620000

November 1, 2022 - October 31, 2023
Discharge, cubic feet per second

89.1 ft³/s - Oct 31, 2023 09:45:00 PM MDT



IMPORTANT Data may be [provisional](#)

Discharge, cubic feet per second
— Recorded
— Estimated
Median: — 1905 - 2024
Data approval period
■ Approved

The peak flow on the North Platte near Northgate, CO in 2023 occurred on May 19 at a daily mean discharge of 2,450 cfs. The historical maximum daily mean discharged occurred on June 23, 2019 at a value of 7,820 cfs.

White River Below Boise Creek, Near Rangely, Co. - 09306290

November 1, 2022 - October 31, 2023

Discharge, cubic feet per second

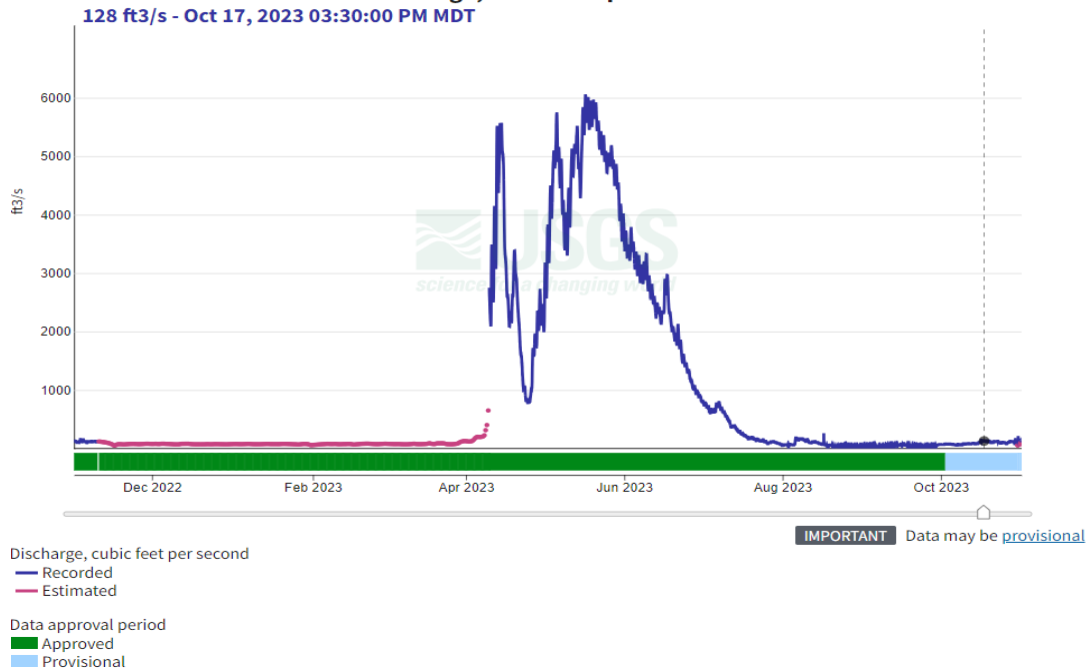


The peak flow on the White River below Boise in 2023 occurred on May 28 at a daily mean discharge of 3,260 cfs. The historical maximum daily mean discharge occurred on May 26, 1984 at a value of 6,170 cfs.

Little Snake River Near Lily, CO - 09260000

November 1, 2022 - October 31, 2023

Discharge, cubic feet per second

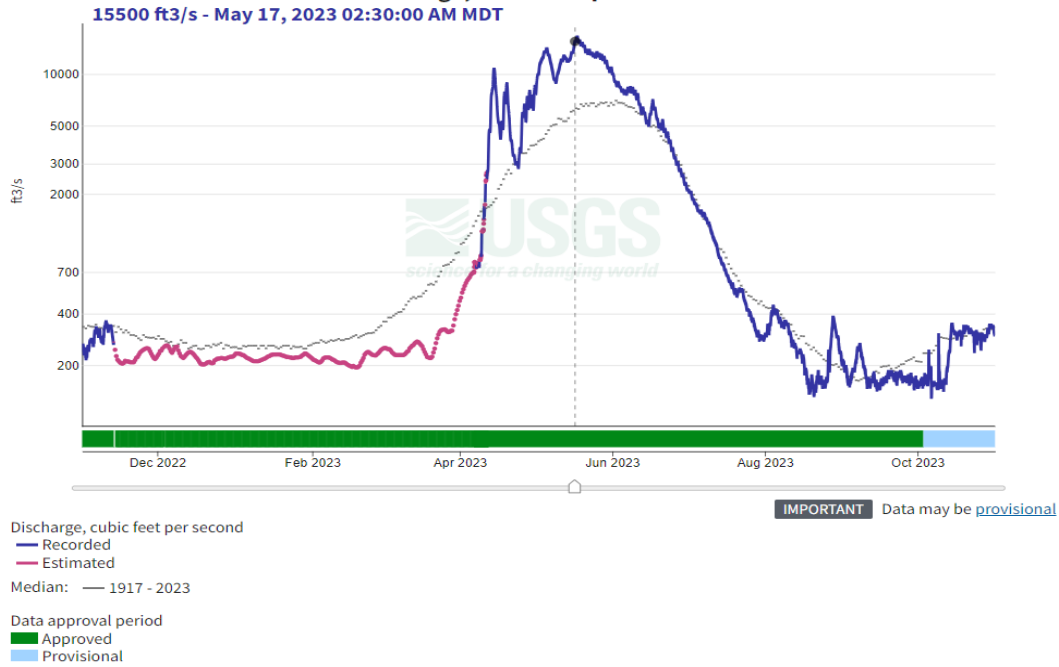


The peak flow on the Little Snake River near Lily in 2023 occurred on May 17 at a daily mean discharge of 5,800 cfs. The historical maximum daily mean discharge occurred on May 18, 1984 at a value of 13,400 cfs.

Yampa River Near Maybell, CO - 09251000

November 1, 2022 - October 31, 2023

Discharge, cubic feet per second



The peak flow on the Yampa River near Maybell in 2023 occurred on May 17 at a daily mean discharge of 15,900 cfs. The historical maximum daily mean discharge occurred on May 17, 1984 at a value of 24,400 cfs.

Provided in Table 1 below are the annual runoff values for the water year for these same stations. Also included are the minimum annual volumes recorded at each station and the historical average volumes.

Table 1

WY2023 Annual Statistics

Station Name	Historic Lowest (AF)	Total 2023 (AF)	Historical Average (AF)	% of Average
North Platte River near Northgate	66,243	340,330	309,860	110
White River Below Boise Creek	240,936	568,590	495,120	115
Little Snake River at Lily	79,564	602,560	404,340	149
Yampa River near Maybell	345,115	1,513,320	1,114,180	136

Provided in Table 2 below are the minimum flows recorded at each station in water year 2023 and the minimum flows on record at each station.

Table 2

Lowest Daily Mean

Station Name	Minimum on Record (cfs)	Minimum WY2023 (cfs)	Date of Occurrence
North Platte River near Northgate	15.0	44.4	Jan 31, 2023
White River below Boise Creek	52.6	258	Dec 17, 2022
Little Snake River at Lily	0	19.6	Oct 1, 2022
Yampa River near Maybell	1.8	138	Oct 10, 2022

Water Administration

Stream Calls

Calls occurred on the following systems in Irrigation Year 2023:

Yampa River Basin

- Bear River
- Elk River
- Fortification Creek
- Middle Hunt Creek

South Hunt Creek
Trout Creek

Green River Basin

Talamantes Creek

White River Basin

Evans Gulch
White River

A complete list of the calls that occurred within Division 6 can be found on the Colorado Decision Support System (CDSS) website. Additionally, releases of reservoir water were made from Elkhead Creek Reservoir, Stagecoach Reservoir, Yamcolo Reservoir, and Stillwater Reservoir that were protected and delivered by our office to its point of diversion or use.

Elk River Administration

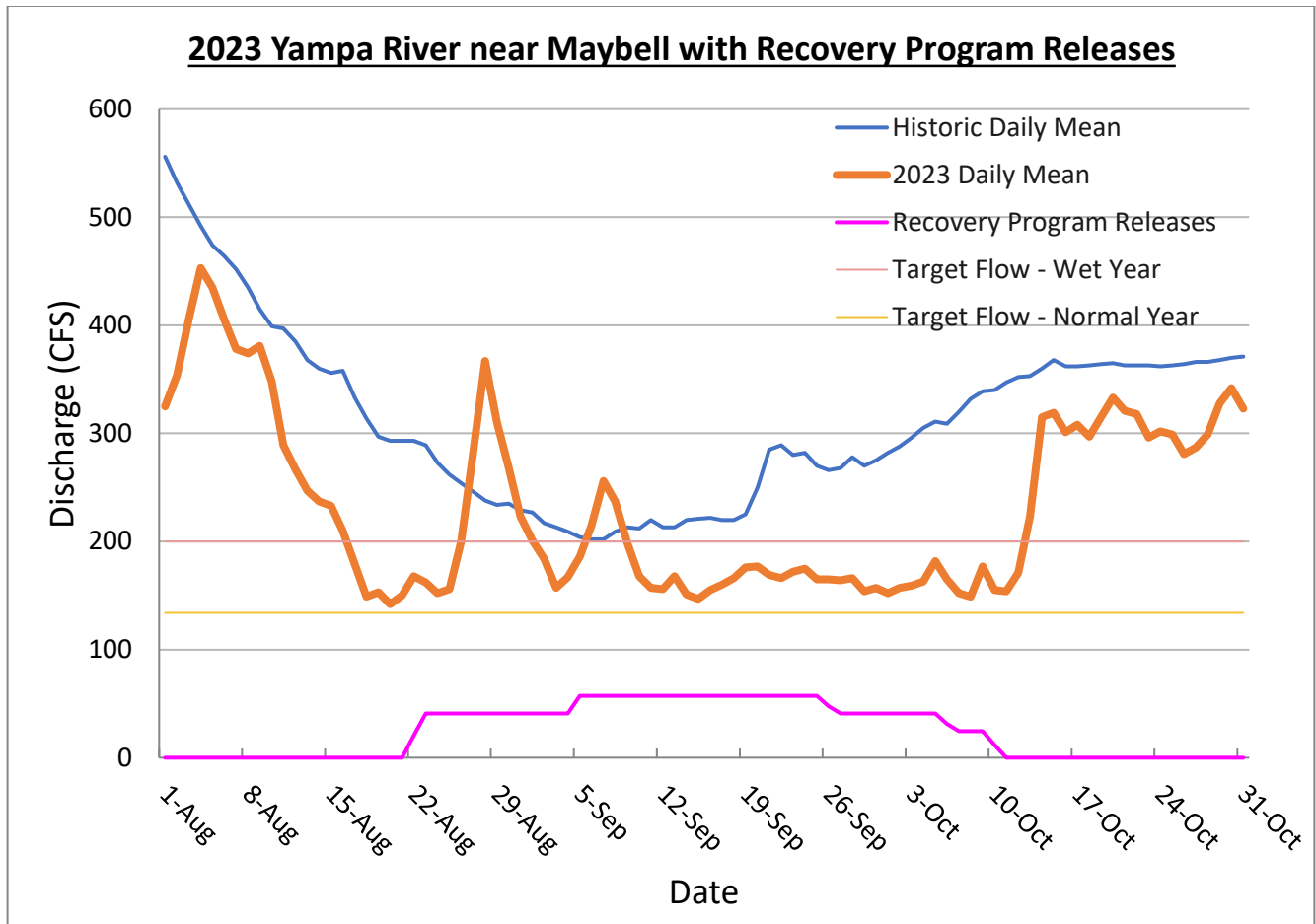
The Elk River was on call from September 1 through October 11, 2023 for the Colorado Water Conservation Board (CWCB) instream flow water right. The Elk River instream flow water right is decreed for 65 cfs year-round. The lowest daily mean flow, as measured at the Elk River near Milner gage station that occurred in irrigation year 2023, was 51 cfs on September 30.

Elkhead Creek Reservoir

Releases were made from Elkhead Creek Reservoir between August 18 and October 6, 2023. A total of 5,546 acre-feet was released for the purpose of river flow maintenance and enhancement under the Upper Colorado River Endangered Fish Recovery Implementation Program (Recovery Program). Water released from Elkhead Creek Reservoir for the Recovery Program was protected through the entire length of the critical habitat reach, which extends from the City of Craig downstream to the confluence of the Yampa River and Green River.

Shown in the following graph are the flows at the Yampa River near Maybell, CO gage station (“Maybell Gage”) during the summer of 2023 including releases made from Elkhead Creek Reservoir. The Recovery Program’s target flow at the Maybell Gage depends on the water year: dry, normal or wet. In dry years, the target flow at this gage is 93 cfs, in normal years it is 134 cfs, and in wet years it is 200 cfs. For water year 2023, the target was set at 200 cfs (wet year) given the high snowpack and expected runoff resulting from the snowpack. As shown on the graph below, the flows dropped below the targeted 200 cfs for many days despite the introduction of reservoir water into the system.

As discussed later in the report, flows were also released from Stagecoach Reservoir for non-consumptive purposes, and though not for the Recovery Program, they likely enhanced the flows in the River at the Maybell Gage to a small degree.



Stagecoach Reservoir Releases

Releases were made from Stagecoach Reservoir for the Colorado Water Trust and City of Steamboat Springs to reduce streamflow temperature at the City of Steamboat Springs wastewater discharge point into the Yampa River. Releases for this purpose were made from August 18 through September 4 and totaled approximately 1,215 AF.

Yampa River Administration

The Yampa River mainstem experienced its first call in 2018 which was followed by calls in 2020 and 2021 as well. The call in 2021 was very short-lived running only from July 30 through August 2. The reasons for this short-lived call were due to a rain event and the Colorado River District requesting a release of water from Elkhead Creek Reservoir under a Pilot Program established for 2021. The

primary purpose of this release was to take the call of the river. The mechanism by which this was accomplished was by considering the release for the purpose of helping maintain and enhance habitat conditions in the River to the Maybell Gage. Once the water went past the Maybell Gage, the water became waters of the state available for diversion. This Pilot Program was operated for a very short period again in 2022 to avoid a call on the Yampa River at the Maybell Canal. The Pilot Program did not operate in 2023.

White River Administration



Taylor Draw Reservoir Spillway, Photo Credit: Betty Kracht

The mainstem of the White River was placed under three administrative calls in the irrigation year 2023, each of calls were for the Taylor Draw Power Conduit structure and water rights. The structure has two absolute water rights decreed for power generation: a 620 cfs right with an adjudication date of November 21, 1966 and an appropriate date of July 3, 1962; and a 125 cfs right with an adjudication date of December 31, 1982 and appropriation date of October 22, 1982.

The first call in 2023 ran from December 1, 2022 to April 3, 2023 and was the first time the White River had gone under administration since 2002, which occurred at and upstream of the Old Agency Ditch under a 1942 water right. The call was placed for the Power Conduit's senior water right as winter flows into the Taylor Draw Reservoir are typically below the 700 cfs capacity of their

hydropower turbine. The call was released as spring flows exceeded the hydropower turbine's capacity and water began to spill over the spillway.

The second call was placed when streamflows dropped below the turbine's capacity and was later released for maintenance reasons with the turbine. The call ran from July 31 to September 7. The third call was placed from September 27, 2023 after the turbine maintenance was completed and ran through January 9, 2024 when a mechanical issue occurred with the turbine.

Piceance Creek typically goes on call every year; however, in 2023 the only other call placed in the White River basin was on Evans Gulch, a tributary of the White River. The call was placed from April 13 to April 29 at the James Gonterman Ditch and set at the structure's priority date of September 9, 1910. This call was released and a new call set at the Stack Yard Ditch which ran from April 29 to May 2 under the structure's priority date of December 31, 2017.

North Platte River Administration

There were no calls placed within the entire North Platte River basin in Colorado in irrigation year 2023.

Measuring Devices and Measurement Rules

To introduce the Rules and Regulations for Governing the Measurement of Surface and Groundwater Diversions and Storage of Water Located in Water Division 6 ("Measurement Rules"), in October 2021, the State Engineer held 7 stakeholder meetings. Following these meetings, in February 2022, the State Engineer distributed to all the attendees of the meetings a draft of the Measurement Rules giving them an opportunity to provide comments. Many comments were received, and several modifications were made to the Measurement Rules to address the comments. To go over the modified Rules with the public, The State Engineer then held five additional stakeholder meetings in June and July 2022. After further minor edits following the June and July stakeholder meetings the State Engineer filed the Measurement Rules with the Water Court on October 28, 2022, and was assigned Case No. 2022CW3102.



Seven protests were filed by the City of Fort Collins, Colowyo Coal Company L.P., Mr. Don Johnson, Upper Yampa Water Conservancy District, Caerus Cross Timbers LLC and Caerus Piceance LLC, City of Steamboat Springs, and the Jackson County Water Conservancy District. Stipulations were entered into with each protestant, and on January 16, 2024, after the Water Judge confirmed resolution of all the protests, the Measurement Rules became effective. The Measurement Rules outlined a Phase-In schedule in which Water Users with a Diversion Structure with a capacity greater than or equal to 5.0 cfs, and Reservoirs with capacities greater than or equal to 5.0 AF were given 12 months from the effective date of the Measurement Rules to come into compliance or declare their structure inactive. For Diversion Structures less 2.0 cfs, and Reservoirs less than 5.0 AF, Water Users were allowed 24 months to come into compliance. For Diversion Structures greater than or equal to 2.0 cfs and less than 5.0 cfs, the deadline for compliance with the rules was set forth as 18 months after the rules became effective.



Groundwater and Well Permitting

In irrigation year 2023, a total of 214 well permits were issued. Of this number, 19 were monitoring hole notices, 27 were for monitoring/observation wells, 1 were for dewatering wells, and 167 were for production wells or groundwater ponds.

Compacts and Inter-State Agreements

Following is a description of the interstate compacts and agreements administered by Division 6.

Upper Colorado River Compact

Under Article XIII (a) of the Upper Colorado River Compact, the State of Colorado will not cause the flow of the Yampa River at the Maybell Gage to be depleted below an aggregate amount of 5,000,000 acre-feet for any period of ten consecutive years. The annual runoff for water year 2023, at this gage, was approximately 1,513,320. In 2022, the annual runoff was approximately 799,980 acre-feet compared to 376,410 acre-feet in 2021, 969,780 acre-feet in 2020, 1,379,200 acre-feet in 2019, 727,600 acre-feet in 2018, 541,820 acre-feet in 2012 and 363,940 acre-feet in 2002. The ten-year (2014 to 2023) aggregate flow was approximately 10,255,600 acre-feet; well above that required under Article XIII (a). The lowest 10-year consecutive total over the 105 years of data at the Maybell Gage is 9,141,644, which occurred in 2021.

The Little Snake River is administered jointly with the State of Wyoming during times of shortage pursuant to Article XI of the Upper Colorado River Compact. No call was placed on the Little Snake River in 2023. Releases were made from High Savery Reservoir, located in Wyoming, for use primarily by Wyoming water users though Colorado water users benefit from the added return flows from the reservoir water applied to irrigation.

[Nebraska v. Wyoming, U.S. Supreme Court Decree](#)

Under the Nebraska v. Wyoming Decree (“North Platte Decree”), Colorado is limited to a total of 145,000 acres of irrigation, no more than 17,000 acre-feet per year of storage for irrigation purposes and no more than 60,000 acre-feet of transmountain diversions in any period of ten consecutive years from the North Platte River drainage in Colorado. In water year 2023, a total of 93,998 acres were irrigated and 9,336 acre-feet of water was stored for irrigation purposes. Transmountain diversions out of the basin totaled 5,479 acre-feet. The cumulative ten-year transmountain diversion out of the basin was 38,690 acre-feet. None of the limits established by the North Platte Decree were exceeded in 2023.

Division 6 virtually attended the North Platte Decree Committee meetings held in 2023.

[Pot Creek MOU](#)

Pot Creek is a small tributary of the Green River; the headwaters of which start in Utah and water then flows into Colorado where it enters the Green River. Pot Creek water is apportioned among the users of Utah and Colorado under a Memorandum of Understanding (MOU) last updated and signed by the State Engineers of Utah and Colorado on March 1, 2005.

The Pot Creek system is comprised primarily of five reservoirs; three of which are located in Utah and two of which are located in Colorado. The three Utah reservoirs are Matt Warner, Calder and Crouse with Matt Warner being the highest, most upstream reservoir in the system, and Crouse the lowest. Matt Warner Reservoir is used primarily for recreation and is considered a gold water fishery. Crouse Reservoir on the other hand is no longer used, though there are efforts being made to rehabilitate it.

At the end of the storage season (April 30, 2023), Dry Lake Reservoir and Offield Reservoir (both located in Colorado) were full and partially full, respectively. Conditions on Pot Creek in 2023 were very wet with 39 acre-feet in March, 527 acre-feet in April, 2450 acre-feet in May, and 134 acre-feet in June delivered past the Stateline, for an annual total of 3150 acre-feet. This is the highest total since the record began in 2004. This year saw the highest peak flow on record of 203 cfs on May 10, 2023.



Division 6 staff attended the 2022 Pot Creek Distribution System Water Users meeting held in person in Vernal, Utah on February 22, 2023.

Division Highlights

Abandonment Process

To date, there are sixteen Protest to Abandonment cases still pending out of the 55 that were filed. Of the sixteen, nine were filed by the same protestant, Twentymile Coal Co.; one case is set for trial in June 2025; and for the remaining six cases, the Engineers continue to work with the protestant to find resolutions.

On March 29, 2023, a Final Judgement and Decree was entered regarding the non-protested water rights on the Final Abandonment List. A total of 688.5 cfs was abandoned in Division 6, with the highest amount abandoned in Water District 47 at 383.3 cfs.

Important Court Cases

The State Engineer and Division 6 Engineer are currently objectors in Case Nos. 17CW3045, 19CW3033, 20CW3007 (consolidated with 22CW3112), 20CW3057, 20CW3060, 21CW14, 21CW18, 21CW3029, 21CW3046, 21CW3049, 22CW3002, 22CW3118, 23CW3025, 23CW3043, and 24CW24. This is an unusually large number of cases for us to be formal parties in.

Below is a table showing the number of Reports of the Division Engineer (Summaries of Consultation) filed with the Water Court each year.

Year	# of Court Cases Filed	# of Reports Filed
2014	69	79
2015	88	90
2016	77	89
2017	65	72
2018	77	59
2019	49	75
2020	84	62
2021	84	66
2022	142*	111
2023	65	87

* - includes the 55 protest cases.

Involvement in the Water User Community

The Division 6 office is open for public walk-ins on Tuesdays and Thursdays from 8:30 am - 4:30 pm and is otherwise available by appointment. Division 6 staff continues to successfully assist the public in preparing water court and well permit applications, provide water right and diversion record information, provide information on proper selection and installation of water measuring devices, and assist dam owners with completing Notices of Intent to Construct Non-Jurisdictional Dams and Livestock Water Tank Permits.

Following is a list of meetings attended by Division 6 staff in 2023; many of which were attended virtually. This list is not intended to be all-inclusive, but rather provide an idea of the types of meetings attended.

- Spring North Platte Decree Committee meeting
- Fall North Platte Decree Committee meeting

- Annual meeting of the Pot Creek Distribution System in Vernal, UT
- Board meetings held by the Upper Yampa Water Conservancy District
- Board meetings held by Yellow Jacket Water Conservancy District in Meeker, CO
- Board meetings held by Rio Blanco Water Conservancy District in Rangely, CO
- White River and Douglas Creek Conservation District's annual meeting
- Roundtable meetings for the Yampa/White River and North Platte River
- Colorado Water Congress Annual Convention held in Denver, CO
- State of the River Conferences held by the Colorado River District

Division 6 staff also made several presentations both in-person and virtually in 2023.

Current Division 6 Organization Chart

