



Board of Water Works of Pueblo, Colorado

P.O. Box 400 - Pueblo, CO 81002-400 - 719/584-0250 - www.pueblowater.org

April 23, 2015

Scott Fitzwilliams, Forest Supervisor
c/o Matt Grove, Project Leader
P.O. Box 190
Minturn, CO 81645

[Via email to: <https://cara.ecosystem-management.org/Public//CommentInput?Project=46121>]

Re: Comments on scoping of the proposed Camp Hale Restoration and Enhancement Project

Dear Mr. Fitzwilliams:

This letter provides the scoping comments of the Board of Water Works of Pueblo, Colorado ("Pueblo Water"), concerning the proposed Camp Hale Restoration and Enhancement Project ("Camp Hale Project"), and are made in response to the notice of the EIS published at 80 Fed. Reg. 13,515 (March 16, 2015). The Camp Hale Project as described in the scoping document proposes to: (1) create and/or enhance over 300 acres of wetland habitat; (2) alter the channel of the Eagle River by increasing sinuosity; (3) create an inset floodplain; (4) reconnect the upper Eagle River and its tributaries within the floodplain; (5) modify travel systems within the Camp Hale area; (6) improve infrastructure; (7) improve terrestrial habitat by reestablishing native vegetation; and (8) amend the Forest Plan to protect restored wetlands. *Id.*

Pueblo Water is concerned that the current scoping document for the Camp Hale Project contains no indication that the proposed project will take account of the existing diversions and expected future diversions and depletions resulting from Pueblo Water's exercise and development of its absolute water rights for the Ewing Placer and Warren E. Wurtz ditches, and the absolute and conditional water rights for the Warren E. Wurtz Extension Ditch.

The Ewing Placer Ditch has an appropriation date of June 1, 1906, and was adjudicated on November 13, 1911, by the District Court for Eagle County in Case No. 507. It was originally decreed for 18.5 c.f.s. for irrigation and agricultural purposes. Its source of supply is Piney Creek and surface runoff from the terrain above the line of the ditch, all of which are tributary to the South Fork of the Eagle River upstream from Camp Hale. The type of use of the water right was changed to include municipal use by the decree entered in Case No. 90CW340¹ on November 15, 1993, by the District Court for Water Division No. 5.

¹ Consolidated with Case No. 90CW52, District Court, Water Division No. 2.

The Warren Wurtz E. Ditch has an appropriation date of June 8, 1929, and was adjudicated on October 3, 1936, by the Eagle County District Court in Case No. 963. It was originally decreed for 85 c.f.s. for irrigation purposes. Its sources of supply are Bennett Creek and Mitchell Creek, tributaries to the South Fork of the Eagle River upstream from Camp Hale. The type of use of the water right was changed to include municipal use by the decree entered in Case No. 90CW340² on November 15, 1993, by the District Court for Water Division No. 5.

Warren E. Wurtz Extension Ditch has an appropriation date of October 26, 1953, and was originally adjudicated on October 21, 1982, by the District Court, Water Division No. 5, in Case No. 80CW505. It is decreed for 100 c.f.s. for municipal purposes, 44 c.f.s. of which was decreed absolute in Cases No. 80CW505 and 86CW275, and 56 c.f.s. of which remain conditional. Its sources of supply are Yoder Creek, the East Fork of Yoder Creek, Rule Creek, and numerous small springs and surface runoff from the terrain above the line of the ditch, all tributary to the Eagle River. Yoder and Rule Creeks joins the Eagle River in Camp Hale.

The continued exercise of the water rights for the Ewing Placer Ditch, Warren E. Wurtz Ditch and Warren E. Wurtz Extension Ditch, and full development of the remaining conditional water right for the Warren E. Wurtz Extension Ditch will deplete stream flows through the Camp Hale Project area. Thus, the scoping of the Camp Hale Project should take into consideration the existing and future use of these water rights and any other water rights located upstream of the proposed project area, the exercise of which will reduce the stream flow through the Camp Hale Project. The project's development must be designed to function with the quantity of stream flow that will be available in the project area after the exercise of upstream water rights.

If you have any questions on how best to address the exercise of the Ewing Placer Ditch, Warren E. Wurtz Ditch, and Warren E. Wurtz Extension Ditch in the scope of the NEPA analysis, please contact our Division Manger of Water Resources, Alan Ward, at 719.584.0235 or award@pueblowater.org. We look forward to working with you to ensure our concerns are addressed.

Sincerely,



Terry R. Book, Executive Director
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Pueblo, Colorado 81002-0400
719.584.0233

cc: Alan Ward
William A. Paddock, Esq.

² Consolidated with Case No. 90CW52, District Court, Water Division No. 2.