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First name: Marielle

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Organization: Colorado Water Conservation Board

Title: Hydrologist

Comments: Dear Brian and Sarah,

Thank you for the opportunity to comment on the Notice of Proposed Action for Arapahoe Basin's (A-Basin) 2026 Improvement Project in Summit County, Colorado. The Colorado Water Conservation Board's (CWCB) mission is to conserve, develop, protect and manage Colorado's water for present and future generations. In 1973, the General Assembly authorized the CWCB to appropriate water rights for instream flows and natural lake levels to preserve the natural environment to a reasonable degree.

The Stream and Lake Protection Section of the CWCB is considering how the proposed Adjustments to the Snowmaking Water Diversion from the North Fork Snake River may impact our water right. The CWCB appropriated an Instream Flow (ISF) water right on the North Fork Snake River in 1986 in case number 86CW0093 for 2.0 cubic feet per second (cfs) from November through April and 3.5 cfs from May through October. The USFS permit for A-Basin's snow-making operations, identified a compliance point for this ISF that is upstream of the North Fork Snake River confluence with the Snake River. A-Basin's water engineer, Colorado Water & Civil Contractors, Inc. has been monitoring compliance with a correlation of measurements at A-Basin's snowmaking water diversion structure and the Snake River Near Montezuma CO gage (USGS ID 09047500). This correlation is then confirmed with discharge measurements at the compliance point.

The proposal to remove the 25% streamflow diversion limitation requirement will reduce streamflow and could negatively affect the fishery. CWCB staff's understanding is that the bypass structure assists in meeting minimum flows downstream including the CWCB's ISF water right. CWCB is further concerned that there is no data reporting requirement so that compliance can be evaluated.

CWCB recognizes and appreciates the significant contribution winter recreation makes to Colorado's economy and way of life and A-Basin's need for long-term operational success as well as sustaining economic and quality of life benefits to the surrounding communities. With this in mind, CWCB makes the following recommendations:

- *Coordinate with CWCB to ensure that any changes will continue to meet the decreed ISF flow rates at the compliance point.
- *Confirm that all components of existing agreements for ISF water rights remain in effect.
- *Request streamflow records from A-Basin's water engineer for the entire record of measurement. This includes streamflow data collected at the A-Basin diversion structure as well as the discharge measurements at the compliance point, along with any regression data required to estimate streamflow at the compliance point.
- *Provide this same dataset on an annual basis, at the end of the compliance period, to CWCB staff to confirm compliance with the previous agreement.

Thank you for the opportunity to be involved in this process.

Sincerely,
Marielle Sidell