

July 20, 2016

**Procedure for
Protection of the Elkhead Creek Reservoir Releases for Endangered Fish
and
Administration/Operation of the Maybell Canal**

This procedure clarifies the manner by which Elkhead Creek Reservoir releases for the purpose of enhancing flows for endangered fish in the lower Yampa River will be delivered with respect to diversion of natural flows at the Maybell Canal headgate. The procedure does not affect the water right of the Maybell Canal. Any future modifications to this procedure should be proposed in writing by the Maybell Irrigation District, or the Yampa River Division Engineer (Division Engineer), or the Upper Colorado River Endangered Fish Recovery Program (Recovery Program).

The proposed resolution procedure involves the following physical and operational modifications.

Physical Modifications:

1. Access to the headgate of the Maybell Canal (Canal) on the Yampa River will be improved by clearing vegetation growing on the Canal bank to allow access to the headgate by a four-wheel utility vehicle or easily on foot. The Maybell Irrigation District (District) will maintain access by periodically clearing vegetation as needed. (Note: Maintenance of access is required regardless of availability of funds. If access is not maintained, the Division Engineer has the statutory authority to issue an order requiring reasonable access to the headgate.)
2. Pending availability of funds, the District will install a measuring device as near as practicable to the headgate for the purpose of measuring flows entering the Canal. This measuring device will be the official device to measure flows entering the Canal via the headgate and used to make adjustments to the headgate to regulate flows entering the Canal.
3. Pending availability of funds, an automated gate will be installed at the upstream end of the flume that carries Canal water across the Yampa River. The flume is located approximately one mile downstream of the Canal headgate. The automated gate will be capable of discharging water from the Canal to the Yampa River through a waste way. The automated gate will be capable of remote operation by the District through a cell phone connection to the automated gate controls. The purpose of the automated gate and waste way is to allow for immediate adjustment of water being diverted down the Canal for beneficial use. The District will, once an adjustment has been made at the automated gate, make adjustments at the Canal headgate as soon as possible to minimize the amount and time water is being returned to the river through the waste way. The headgate adjustment shall be made within three (3) days of the automated gate adjustment.
4. A flow measuring device will be installed in the vicinity of the automated gate on the flume to measure flows in the canal that can be read remotely via a cell phone connection.

5. The automated gate and measuring device in the Canal near the flume are not a requirement of the Division Engineer, but are a means for the District to monitor Canal flows remotely, make timely adjustments, and ensure that any releases from Elkhead Creek Reservoir that might enter the canal are quickly returned to the Yampa River until such time adjustments are made to the headgate.

Operational modifications:

1. During the irrigation season, the headgate will be adjusted as needed by the District's ditch rider to ensure that shareholders are receiving the amount of water they need, excess water is not being diverted, and as little water as practicable is being discharged as tail water. The headgate will be operated to increase or decrease diversions as demands by District shareholders change based on measured flow at the measuring device near the headgate.

2. Operation of the Canal headgate and automated gate will be the responsibility of the District's ditch rider. The Water Commissioner will have access to the Canal headgate and automated gate, and the ability to remotely access the discharge readings from the measuring device at the flume. If the Water Commissioner determines that adjustments to the headgate or automated gate are needed, the Water Commissioner will contact the ditch rider or make adjustments of the headgate himself/herself when an adjustment is necessary for any water administrative reason, including but not limited to protection of releases of water from Elkhead Creek Reservoir and curtailment of excessive diversions as observed at any waste way along the ditch or at the tail end of the ditch.

3. The Canal headgate will be set to provide the amount of water that can be applied to beneficial use without waste. Efforts will be made by the ditch rider to reasonably minimize tail water discharge at all times.

4. During normal operations, there will be no discharge of water through the waste way at the automated gate, as canal headgate operations will limit diversions of water into the Canal to that which can be used beneficially.

5. During periods in which Elkhead Creek Reservoir releases are being made, the following procedures will be applied:

a) The Recovery Program will provide at least a 48 hour notice to the Division Engineer in advance of initiation of releases from Elkhead Creek Reservoir. The Division Engineer will promptly provide notice to the District. The notice by the Recovery Program will include the start date and time of the release, amount in cfs being released, the expected duration of the release if known, the increase in flow expected at the Canal headgate after transit losses have been assessed by the Division Engineer, and the date and time the increase is expected to reach the headgate. The Recovery Program will also notify the Division Engineer, who will in turn notify the District, of any changes in releases, including termination of releases, and the expected change in flow at the District's headgate. Such notification may occur during the conference calls referred to below.

- b) When the Recovery Program decides to initiate Elkhead Creek Reservoir releases each year, the Recovery Program will convene conference calls involving the Division Engineer's office, the District, the Colorado River Water Conservation District, and other Yampa basin water users. These calls will continue on approximately a weekly schedule, or as needed, while Elkhead Creek Reservoir releases are being made.
- c) Any increases in flow in the Canal, as measured at the measuring device near the headgate or at the measuring device at the flume, resulting from the Elkhead Creek Reservoir releases will be returned to the Yampa River,. This can be accomplished initially through the waste way at the flume by the District ditch rider adjusting the automated gate at the flume. However, as soon as practicably possible, but no more than three (3) days after the automated gate is adjusted, adjustments will be made at the headgate to eliminate the diversion of Elkhead Creek Reservoir releases so as to eliminate the wasting of water through the waste way at the flume.
- d) Prior to Elkhead Creek Reservoir release reaching the headgate, the water commissioner will go to the measuring flume to be installed in the Canal near the headgate to determine the amount of water being diverted prior to the release. At that time the water commissioner will also take note as to whether the bottom of the headgate is in or out of the water. Once the Elkhead Creek Reservoir release is believed to have passed the headgate, the water commissioner will wait three days, the time allowed for the District to make any necessary adjustments at the headgate to prevent diversion of the releases, and then return to the measuring flume near the headgate to assure that the amount of water being diverted at the headgate has been decreased by the amount of the Elkhead Creek Reservoir release entering the ditch. If at that time it is found that the headgate has not been adjusted to eliminate diversion of any Elkhead Creek Reservoir water, the water commissioner will adjust the headgate to eliminate diversion of any Elkhead Creek Reservoir release. The water commissioner will inform the ditch rider of any adjustments made and the amount of reduction of the diversion to eliminate diversion of the Elkhead release.
- e) Water not considered to be Elkhead Creek Reservoir water is considered to be natural flow that may be diverted by any water user, including the District, so long as it can be used beneficially. Any water that cannot be used beneficially, may not be diverted from the Yampa River at the headgate.