

2013 Instream Flow Workshop



Colorado Water Conservation Board
Instream Flow Program

Celebrating 40 years, 1973 – 2013

ISF Program Staff

Linda Bassi
Section Chief

Policy, Program & Staff Management

Jeff Baessler
Deputy Section Chief
Hydrologist

Appropriations, Physical Protection,
Section Finances & Planning

Brandy Logan
Water Resource Specialist

Appropriations &
Physical Protection Analyses

Brian Epstein
Hydrologist \ Hydrographer

Physical Protection & Monitoring

Rob Viehl
Water Resource Specialist

Appropriations &
Legal Protection Analyses

Kaylea White
Senior Water Resource Specialist

Acquisitions and Legal Protection

Don West
Engineer

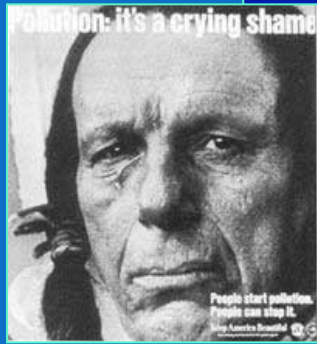
Engineering Analysis,
Acquisition Support

Spencer Williams
Legal Protection Support

A photograph of a waterfall cascading over layered rock formations. The water is white and frothy as it falls, creating a misty spray at the base. The surrounding rocks are brown and reddish, with some green moss or algae visible. The background shows more rock formations and a clear sky.

ISF Program History and Overview

Environmental Movement Timeline



1970

1971

1972

1973

- Twenty million people celebrate the first Earth Day.
- President Nixon creates EPA
- Congress amends the Clean Air Act to set national air quality, auto emission, and anti-pollution standards.

- EPA bans DDT, a cancer-causing pesticide, and requires extensive review of all pesticides.

- Congress passes the Clean Water Act, limiting raw sewage and other pollutants flowing into rivers, lakes, and streams.

In 1972, only 36 percent of the nation's assessed stream miles were safe for uses such as fishing and swimming

- Passage of the Endangered Species Act

1973

- Public concern over dry stream reaches and no mechanism within the prior appropriation (first in time – first in right) system to keep water within a stream for environmental preservation.



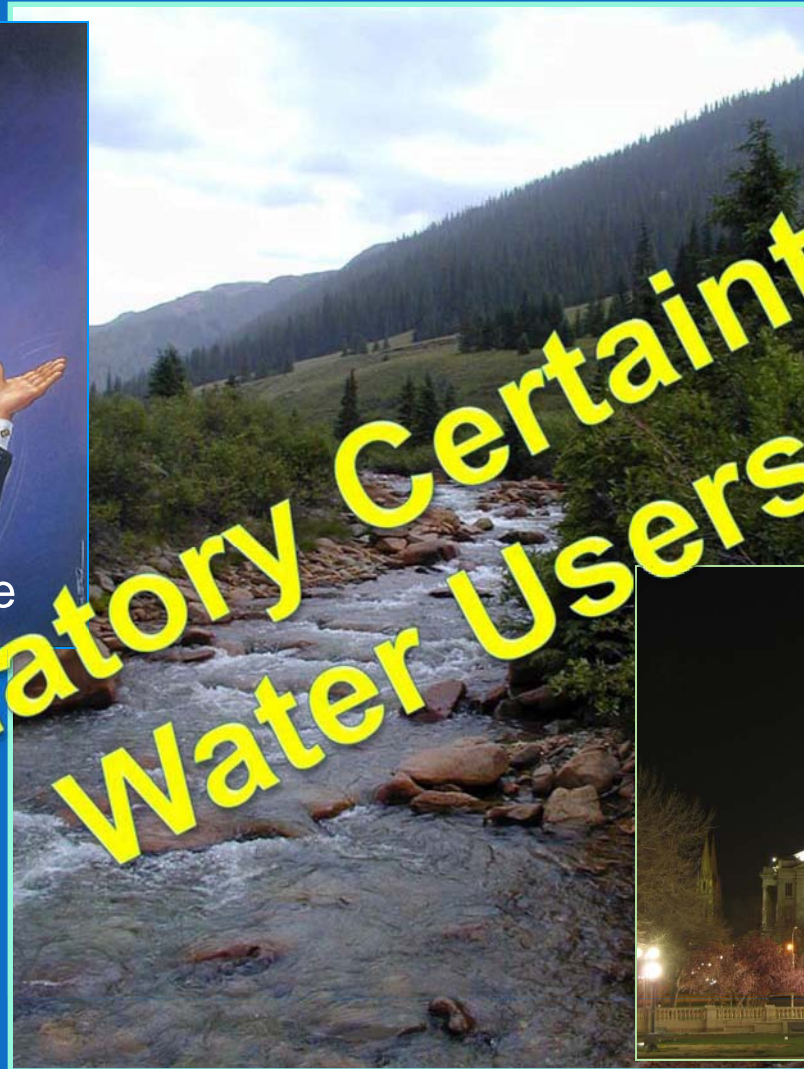
McCormick Ditch



Coal Creek near Crested Butte Colorado



What did the Colorado Legislature believe was the answer to environmental water issues in 1973?



North Fork Mineral Creek

In 1973, the Colorado Legislature created the Instream Flow Program with the passage of Senate Bill 97:

“Further recognizing the need to correlate the activities of mankind with some reasonable preservation of the natural environmet, the Colorado Water Conservation Board is hereby vested with the authority, on behalf of the people of the state of Colorado, to appropriate or acquire... such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree.”

It's a taking by the
Government!

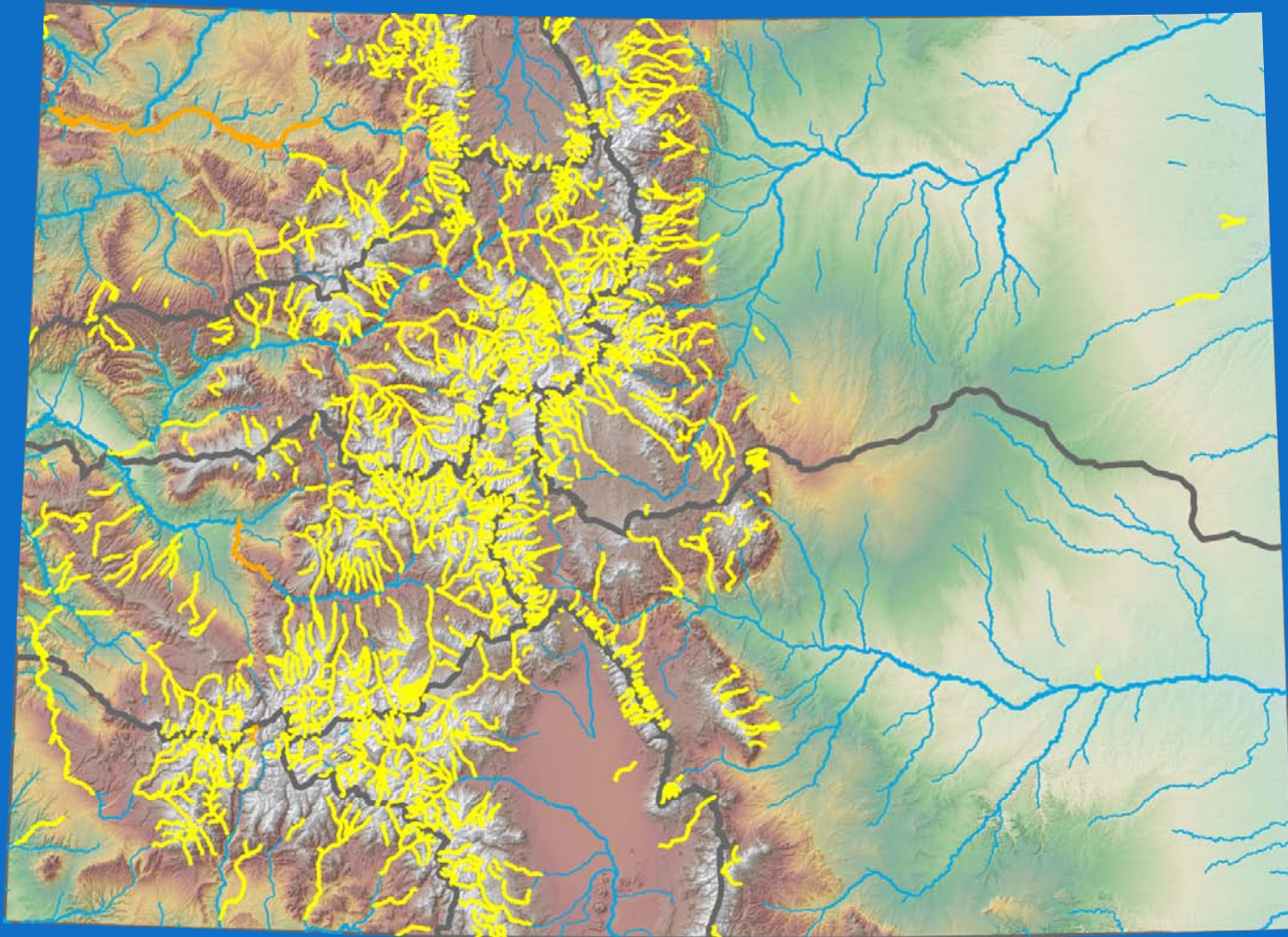
It's not enough water
for true preservation



There will be no
water left for water
users !

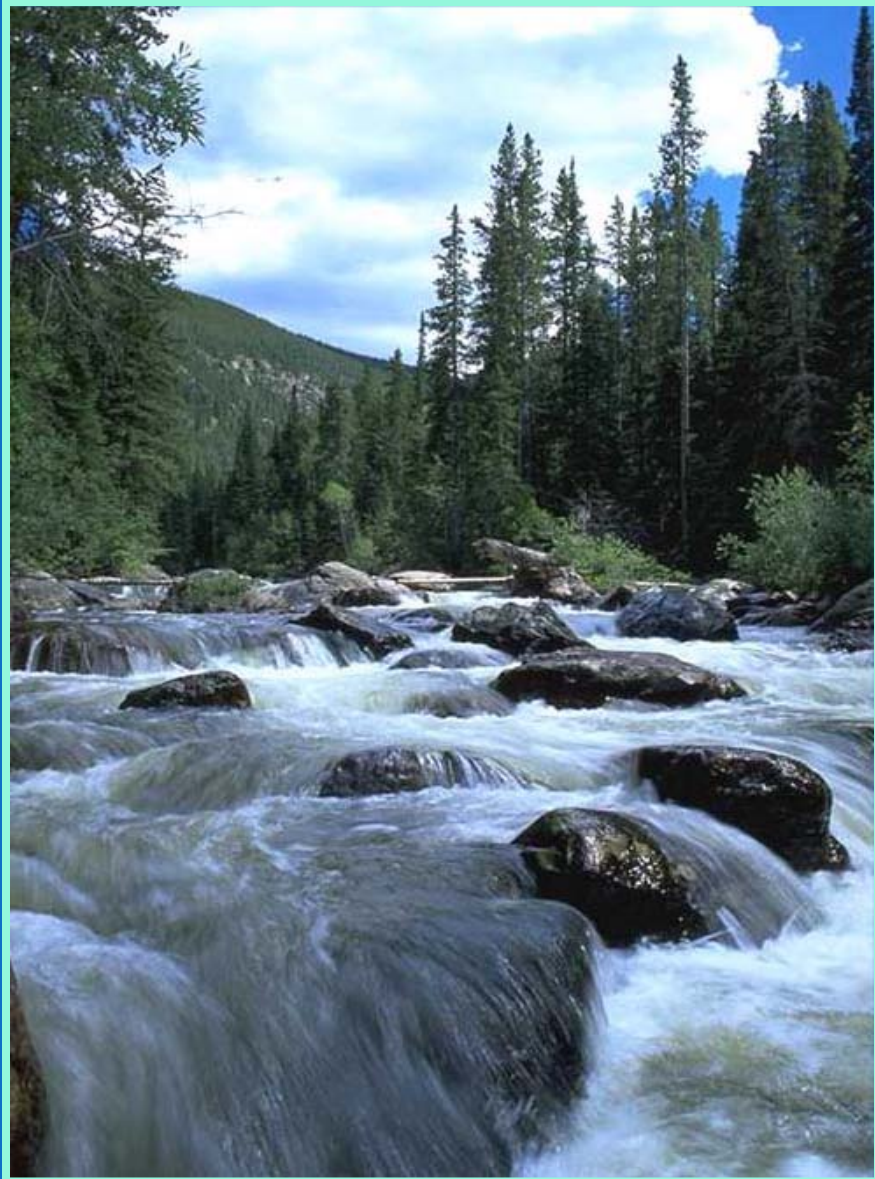
The program is biased
toward water
development

Distribution of Existing ISF Water Rights in Colorado



Yellow lines represent streams with decreed ISF rights

An Instream Flow or Natural Lake Level Water Right is:



- 💧 **An in-channel or in-lake appropriation of water**
- 💧 **Made exclusively by the Colorado Water Conservation Board**
- 💧 **To preserve the natural environment to a reasonable degree**
- 💧 **For minimum flows between specific points on a stream, or levels on natural lakes**
- 💧 **Administered within the State's water right priority system**

Since 1973, the Board has

Appropriated

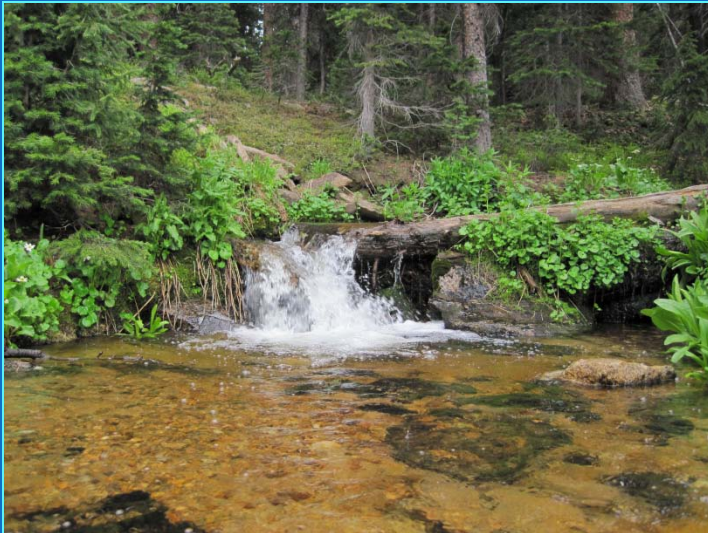
Instream flow water rights on

- nearly 1,600 stream segments,
- covering 9,200 miles of stream,
 - and 480 natural lakes

Acquired

Over 26 water right donations or long-term contracts for water totaling

420 cfs and 9,340 AF

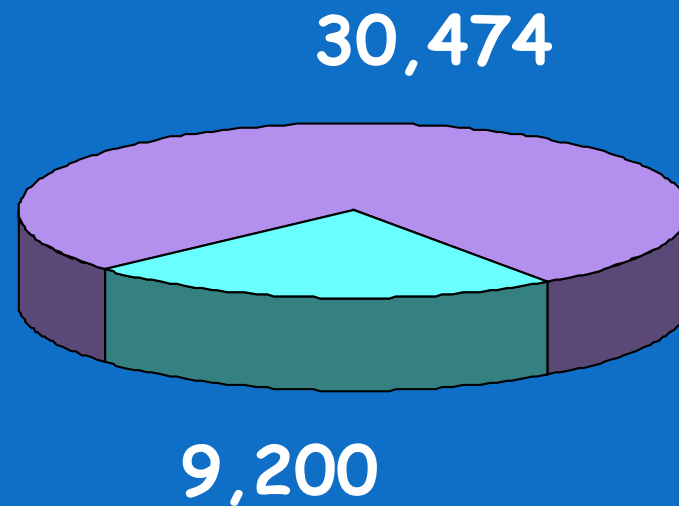


Black Hollow Creek



Hat Creek

Miles of Stream Protected by ISF Rights in Colorado



 With ISF Protection

 Without ISF Protection

Note: 39, 479 miles of perennial streams in the state based upon the National Hydrography Dataset

New Appropriations



Arkansas River below Pueblo Reservoir

New Appropriation Process

Any person or entity may recommend streams or lakes to be considered for appropriation to **preserve** the natural environment.

ISF Workshop held each February to present recommendations.

Recommenders

- collect data
- quantify flow requirements using R2Cross or other standard methodology – usually cold water fishery standard, but not limited
- submit recommendations to CWCB at February workshop—must be submitted ***in writing*** and ***with specificity***.



Little Spring Creek – Data Collection

New Appropriation Process

CWCB staff

- Informs CWCB of recommendations at March Board meeting & provides public notice (March & November)
- Prioritizes and analyzes each recommendation
- Performs site visits and collects additional data
- Performs water availability analyses
- Holds public meetings to get stakeholder input on recommendations
- Consults with DWR
- Brings recommendations to CWCB for appropriation – *typically at the Board's January Meeting.*



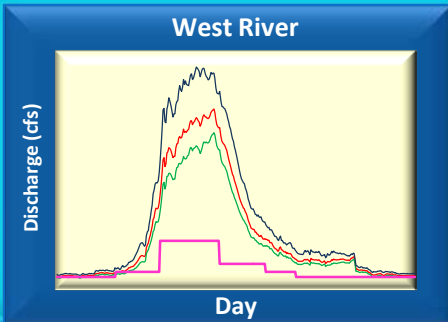
Severy Creek – Div 2

Statutory Requirements



A natural environment exists

- typically identified by the presence of a coldwater fishery, but other indicators can be used



The natural environment will be preserved by the water available for the appropriation

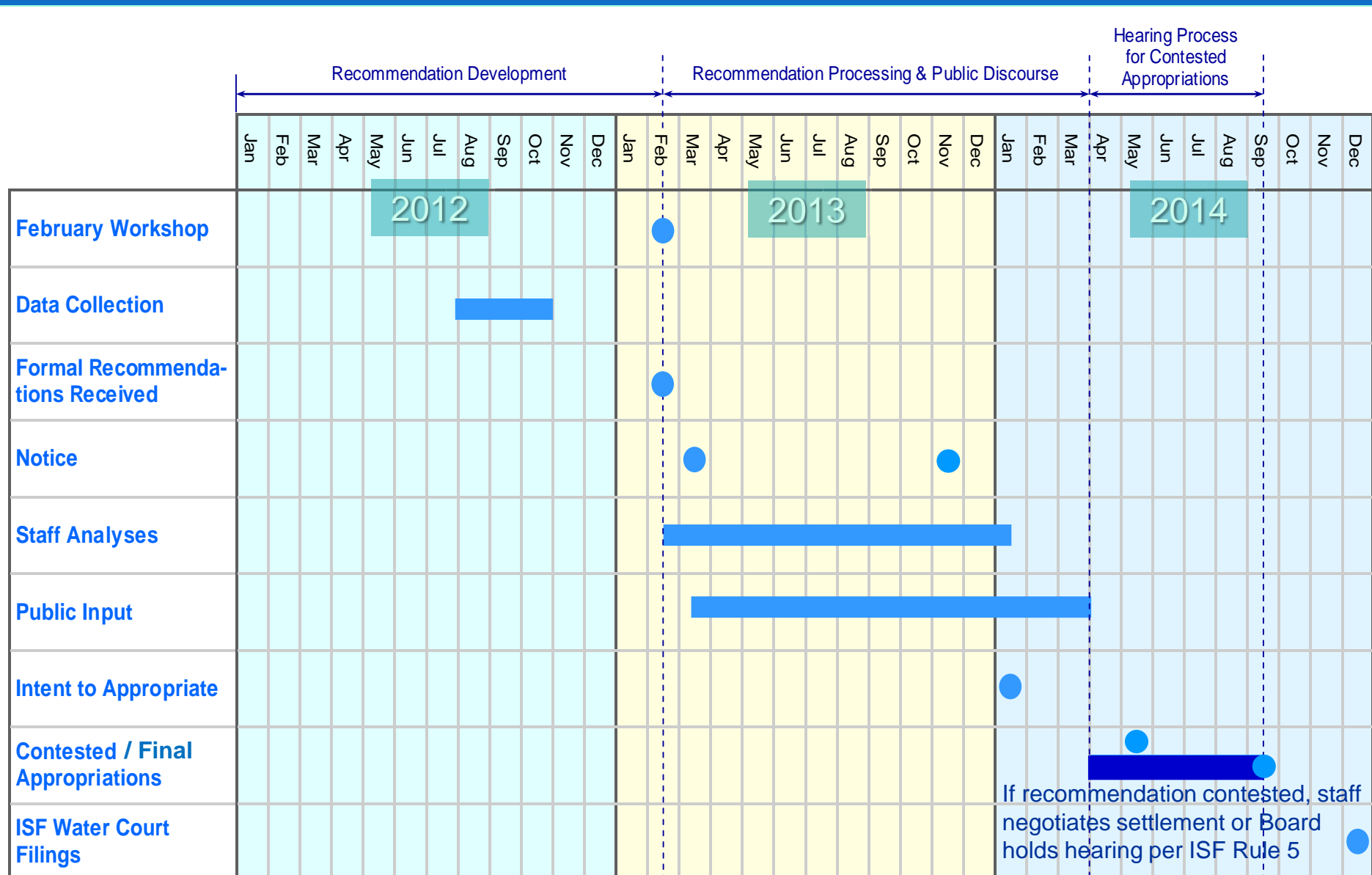
- determined by water right and hydrologic investigations
- Median Hydrology, Utilize peer reviewed hydrology



No material injury to other water rights will occur

- new appropriations are junior water rights and have no effect on existing senior appropriations
- 37-92-102(3) b. Recognition of undecreed uses and exchanges

New Appropriation Processing Timeline



Prioritization of Candidate Streams

Factors that influence the prioritization of candidate streams

- Staff workload
- Staff resources (budget & FTE resources)
- Board priorities and direction to staff
- Streams with threatened or endangered species
- Stakeholder concerns (extended time for discourse based on specific issues that require additional staff investigation)
- Need for additional data collection
- Need for additional water availability analyses or modeling.

Some factors may result in a delay in the normal 1 year processing of recommendations.

Recommendations stay on the candidate list until all issues are addressed and staff moves the recommendation for Board action.

2012 Recommendations to be Processed in 2013

Water Division 1

Stream Name	Recommender	County
Coal Creek (Boulder County Open Space Boundary to Louisville Wastewater Treatment outfall)	City of Louisville & CPW	Boulder
Coal Creek (to Louisville Wastewater Treatment outfall to Lafayette pumping station #2)		
North Clear Creek (Confl. Chase Gulch to Confl. Wastewater Treatment Plant)	CPW & CDPHE	Gilpin
North Clear Creek (Confl. Wastewater Treatment Plant to Confl. Clear Creek)		
Graves Creek (Wyoming Stateline to South Line S27 T12N R68W)	CPW & City of Fort Collins	Larimer
Shell Creek (Headwaters to Shell Creek Ditch)	BLM	
Spottlewood Creek #1 (NW S29 T12N R68W to Road at NW S33 T12N R68W)	CPW & City of Fort Collins	
Spottlewood Creek #2 (NW S34 T11N R68W to SW S34 T11N R68W)		
Lone Tree Creek (NW S29 T12N R67W to SE S31 T12N R67W)		Weld

Specifics of recommendations are located on CWCB web site

2012 Recommendations to be Processed in 2013

Water Division 2

Stream Name	Recommender	County
Beaver Creek <i>(Confl. East & West Beaver Creeks to Confl. Patton Canyon)</i>	CPW	Fremont
West Beaver Creek <i>(Confl. Douglas Gulch to Confl. East Beaver Creek)</i>		Fremont, Teller
Baker Creek <i>(headwaters to USFS Boundary)</i>		Huerfano
Bonnett Creek <i>(headwaters to USFS Boundary)</i>		
Apishapa River <i>(Headwaters to Confl. Herlick Canyon Creek)</i>		Las Animas
Arkansas River <i>(Outlet of Fish Hatchery to Confl. Fountain Creek)</i>	CPW & City of Pueblo	Pueblo

Specifics of recommendations are located on CWCB web site

2012 Recommendations to be Processed in 2013

Water Division 4

Stream Name	Recommender	County
Granite Creek (Confl. Unnamed Tributary to Utah-Colorado border)	BLM	Mesa
Ute Creek (Headwaters to Confl. West Creek)		

Specifics of recommendations are located on CWCB web site



2012 Recommendations to be Processed in 2013

Water Division 5

Stream Name	Recommender	County
Eagle River (ISF Increase) <i>(confl Cross Creek to confl Gore Creek)</i>	CPW	Eagle
East Divide Creek <i>(Confl. Camp Creek to Confl. June Creek)</i>		Garfield
Meadow Creek <i>(Outlet Meadow Creek Reservoir to Confl. Main Elk Creek)</i>		Garfield
Beaver Creek <i>(Headwaters to Rifle Town Intake)</i>		Garfield
Beaver Dam Creek <i>(Headwaters to Confl. East Divide Creek)</i>		Mesa
West Divide Creek <i>(Confl. Little Beaver Creek to Confl. Mosquito Creek)</i>		Mesa
East Divide Creek <i>(Confl. Gennings Creek to Confl. Camp Creek)</i>		Mesa, Garfield

Specifics of recommendations are located on CWCB web site

2012 Recommendations to be Processed in 2013


Water Division 6

Stream Name	Recommender	County
North Fork North Platte River <i>(Headwaters to Little Nellie Ditch Headgate)</i>	BLM	Jackson
South Fork Big Creek <i>(Confl. Wheeler Creek to Colorado-Wyoming border)</i>		
Wheeler Creek <i>(Headwaters to Confl. SF Big Creek)</i>		
Piceance Creek <i>(Confl. Dry Fork to Confl. White River)</i>	BLM & CPW	Rio Blanco
Yellow Creek <i>(Confl. Barcus Creek to Lambert Springs)</i>		
Yellow Creek <i>(Confl. Lambert Springs to Confl. White River)</i>		
Willow Creek (ISF Increase) <i>(Outlet of Steamboat Lake to Confl. Beaver Creek)</i>	BLM	Routt
Willow Creek (ISF Increase) <i>(Confl. Beaver Creek to Confl. Lester Creek)</i>		

Specifics of recommendations are located on CWCB web site

Web Site updates on Recommended Streams

<http://cwcb.state.co.us/environment/instream-flow-program/Pages/InstreamFlowAppropriations.aspx>



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Instream Flow Appropriations

The CWCB appropriates water rights to preserve the natural environment of streams and lakes in the state. After receiving detailed recommendations for instream flow (ISF) water rights from state and federal agencies, conservation groups and members of the public, the CWCB reviews and processes the recommendations in accordance with the Board's ISF Rules.

The CWCB performs detailed hydrological analyses to ensure that all recommendations meet the statutory requirements for an ISF appropriation. The CWCB notifies and involves the public throughout the ISF appropriation process.

Recommendation Process

Each February, the CWCB holds a workshop to request recommendations for streams and lakes to be protected. The workshop is open to the public and notice is provided through this Website and the ISF Subscription Mailing List. Any person or entity may submit recommendations; however, such recommendations need to be provided to staff in writing and with specificity (for guidance, please use the Recommendation Questionnaire). All recommendations are processed in accordance with the ISF Rules and Statutes, as well as the timeline and procedures.



Recommended Appropriations

Click on the links below for more information about that year's recommended appropriations:

- [2013 Proposed ISF Appropriations](#)
- [2012 Proposed ISF Appropriations](#)
- [2011 Proposed ISF Appropriations](#)
- [2011 Contested ISF Appropriations](#)

Additional Information

- [ISF Rules](#)

Questions ?

