

# 2014 Instream Flow Workshop

Colorado Water Conservation Board  
Instream Flow Program





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# ISF Program History

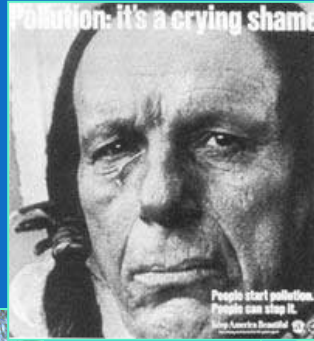


# Environmental Movement

*Increasing public concern about the impact that human activity could have on the environment*



1962



Earth Day



April 22, 1970



1970  
monitor &  
Improve conditions of  
oceans

1970  
EPA created  
by President  
Nixon



1969



NATURAL RESOURCES DEFENSE COUNCIL  
THE EARTH'S BEST DEFENSE

June 1970

## ***Congress Reacts with a wave of legislation***

- 1968 Wild and Scenic Rivers Act
- 1970 NEPA National Environmental Policy Act
- 1972 Clean Water Act, Coastal Zone Management Act, Marine Mammal Protection Act
- 1973 Endangered Species Act
- 1974 Safe Drinking Water Act

The  
Quiet  
Crisis

by Stewart L. Udall

1963



1972 DDT Banned



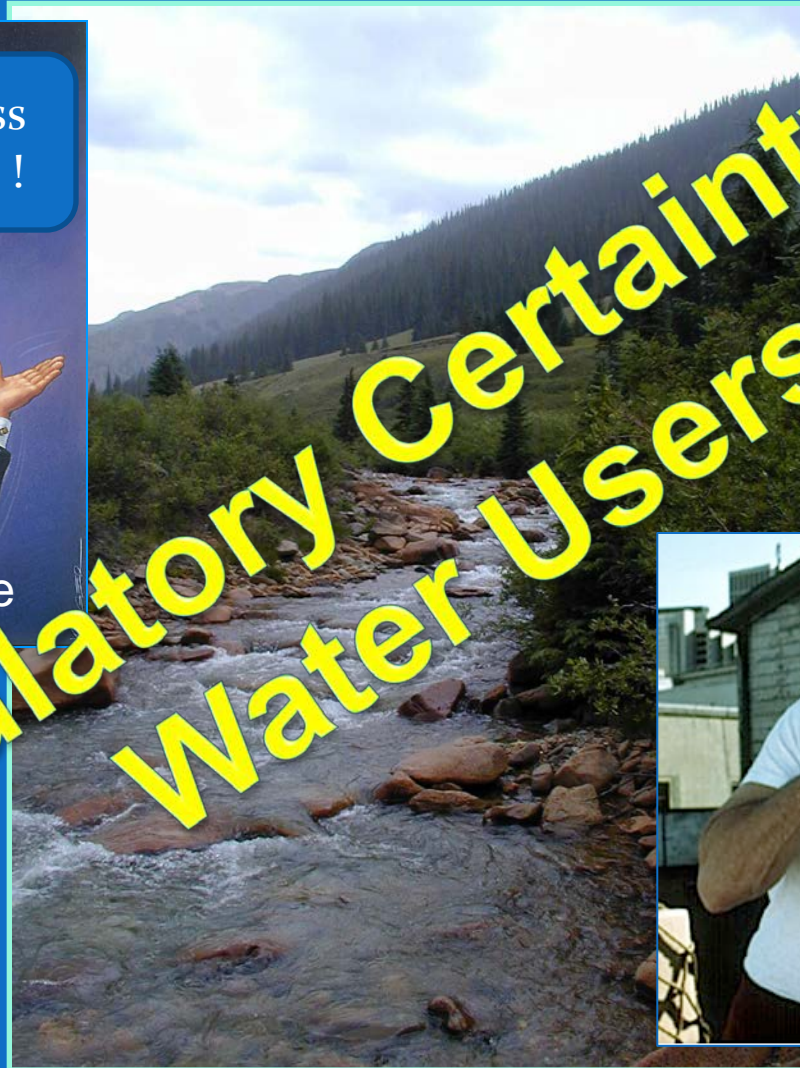
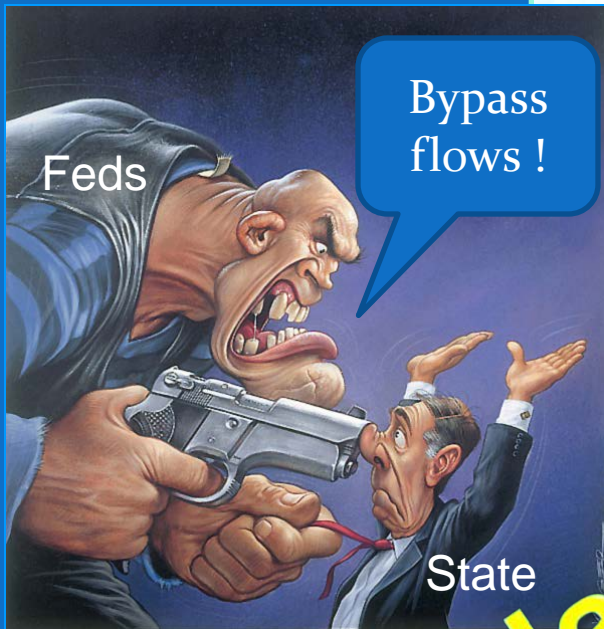
# Colorado in the 1970's

Federal and public concern over dry stream reaches and the fact that Colorado has no mechanism within the prior appropriation system to keep water within a stream for environmental preservation.



# Colorado's Legislature Reacts

Regulatory Certainty for  
Water Users



State Primacy



North Fork Mineral Creek

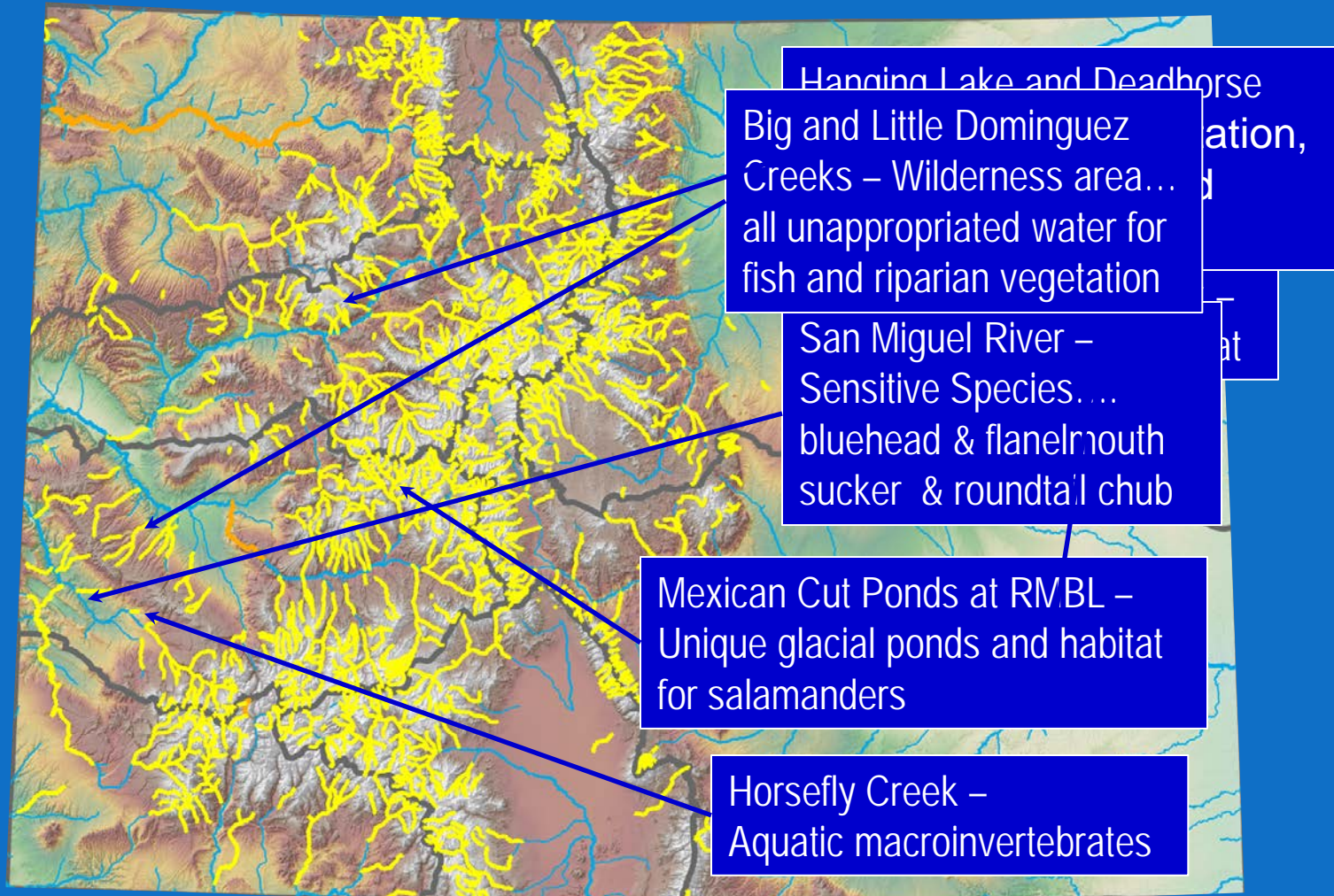


# In 1973, the Colorado Legislature established the Instream Flow Program with the passage of Senate Bill 97:

- *Recognized “the need to correlate the activities of mankind with some reasonable preservation of the natural environment”*
- *Vested the Colorado Water Conservation Board 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.”*



# Distribution of Existing ISF Water Rights in Colorado



Yellow lines represent streams with decreed ISF rights



# What is An Instream Flow or Natural Lake Level Water Right?

- 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
- Entitled to stream conditions existing at time of appropriation



# 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



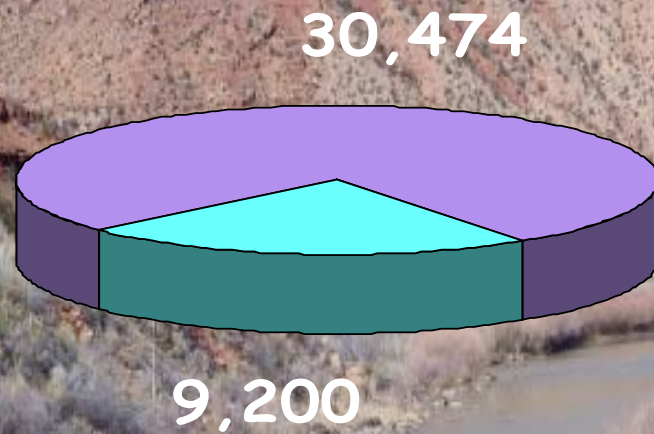
Slate River



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

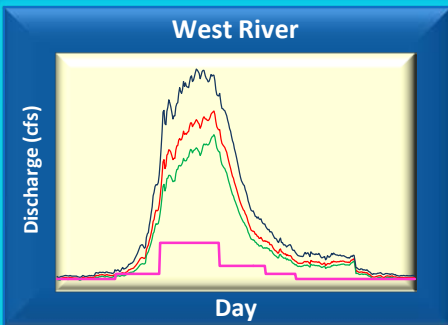


# Statutory Requirements



## A natural environment exists

- Typically identified by the presence of a 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



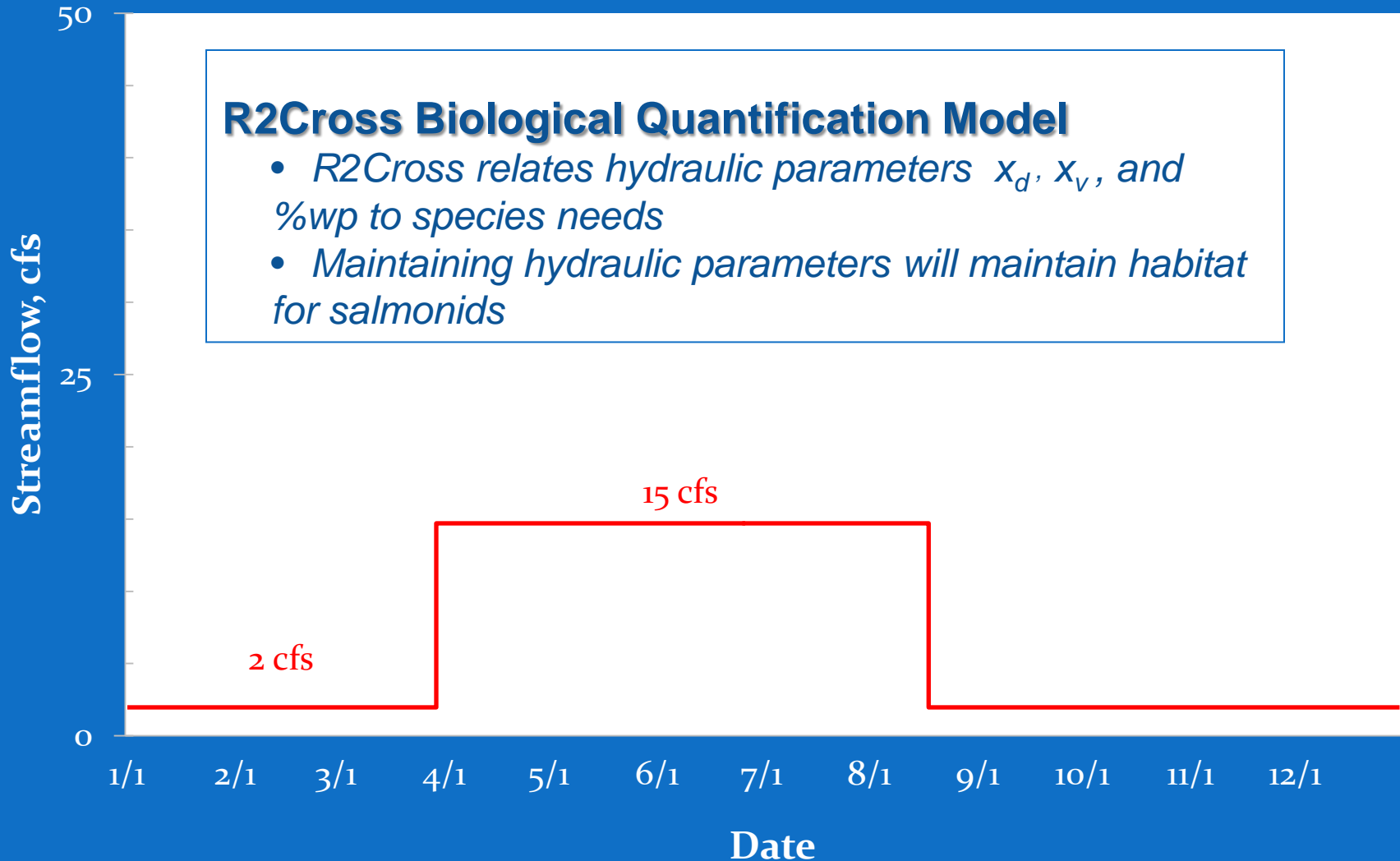
## No material injury to other water rights will occur

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



# Water Availability & Quantification

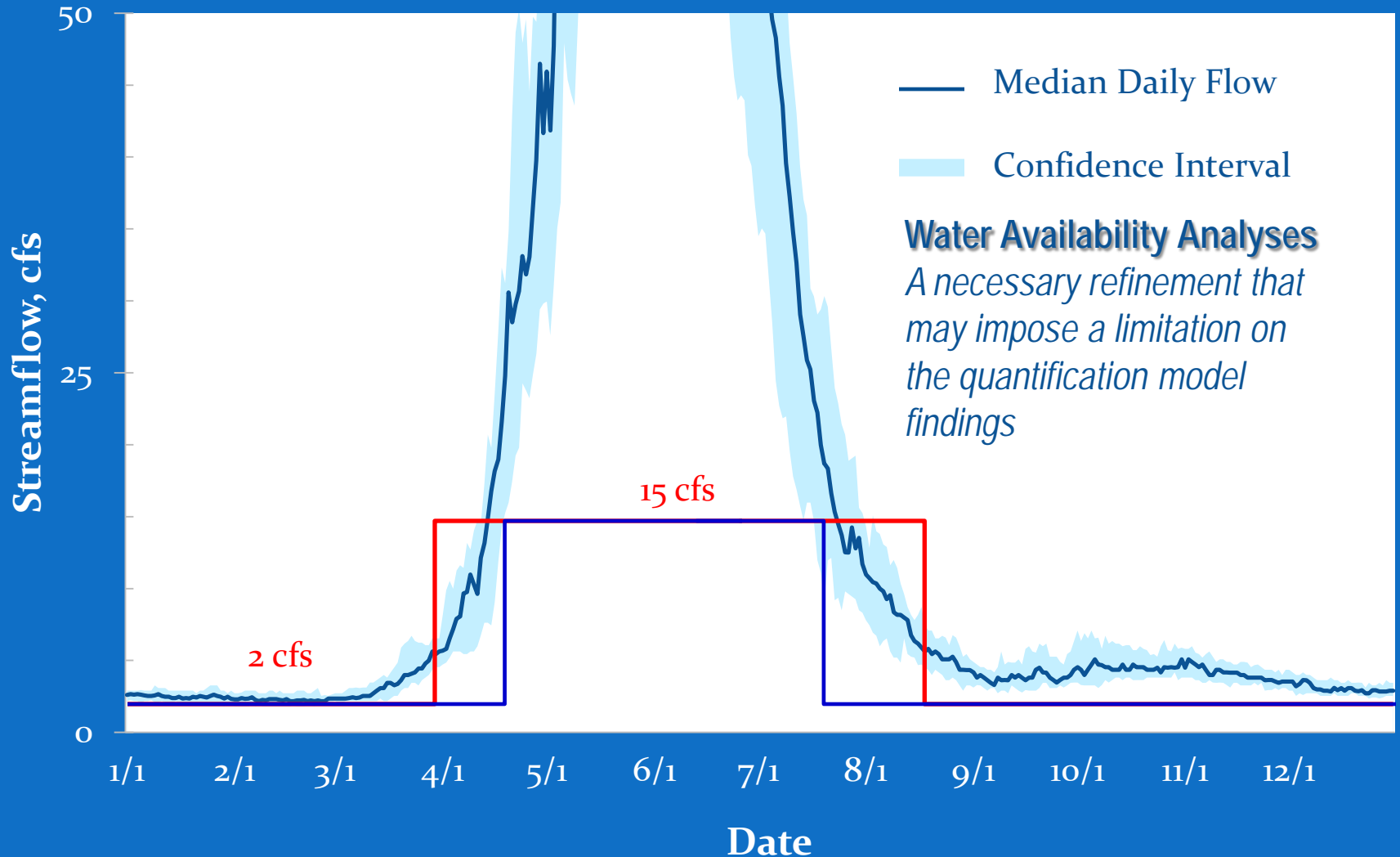
No Name Creek





# Water Availability & Quantification

No Name Creek





# New Appropriation Process

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

## Recommendation Development by Entity (Year 1)

- collect data
- quantify flow requirements using standard methodology
- submit recommendations “in writing and with specificity” at ISF workshop.

## Recommendation Processing and Outreach Activities by Staff (Year 2)

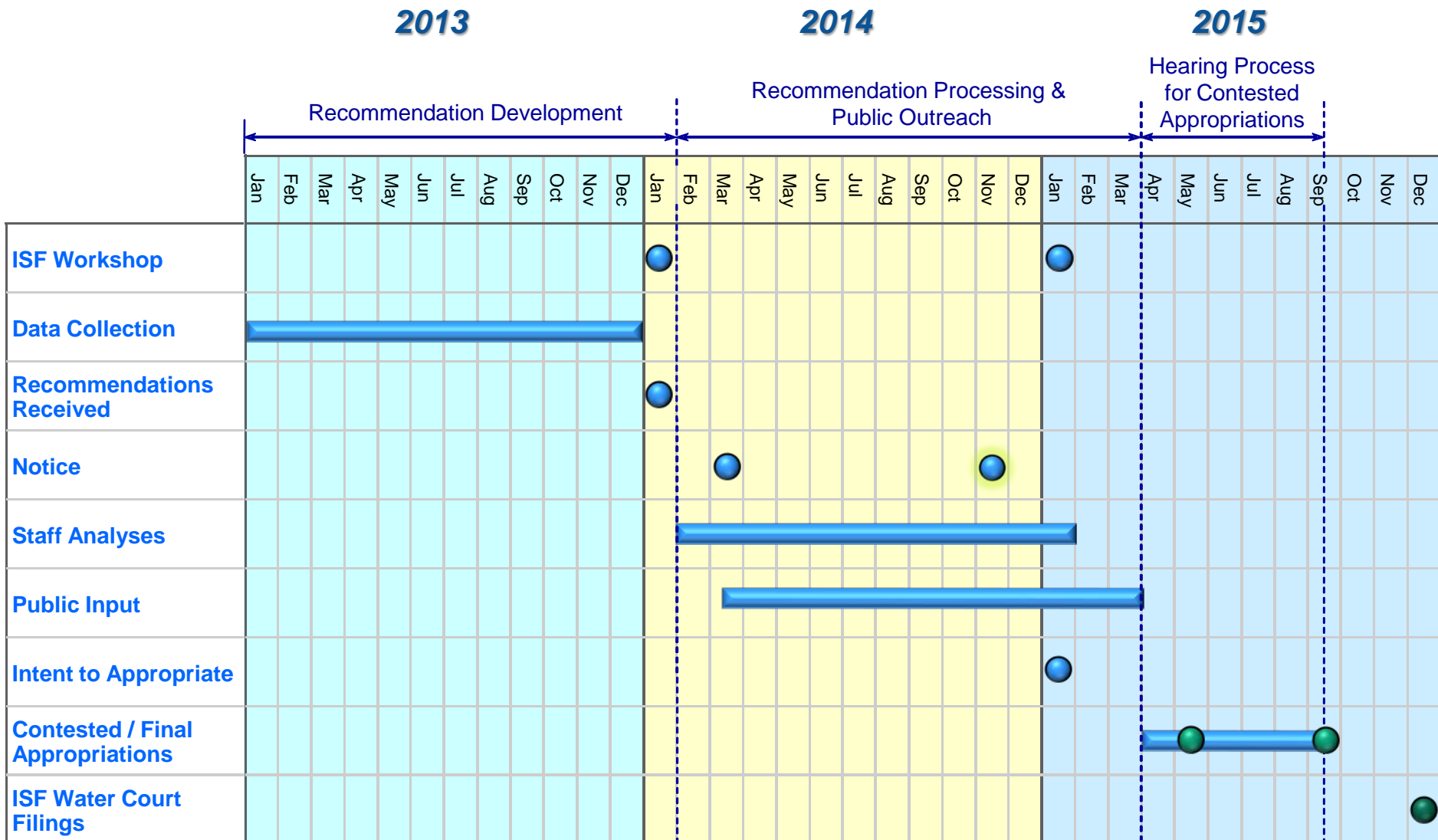
- Public Notice in March and November
- Reviews submitted data and performs a detailed water availability analysis
- Perform site visits and collects additional data
- Holds public meetings to get input on recommendations

## Board Appropriation and Contested Recommendations (Year 3)

- Staff recommends Board form its intent to appropriate – *typically at the Board's January Meeting.*
- If recommendation contested, staff negotiates settlement or Board holds hearing (ISF Rule 5 notice and comment procedures)



# 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.**



# Postponed Recommendations to be Processed in 2015

## Water Division 1

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

Specific recommendations are located on CWCB web site



# Postponed Recommendations to be Processed in 2015

## Water Division 2

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

Specifics of recommendations are located on CWCB web site



# Postponed Recommendations to be Processed in 2015

## Water Division 5

Stream Name	Recommender	County
<b>Dry Fork Roan Creek</b> <i>(Confl. North Dry Fork Creek &amp; South Dry Fork Creek to Confl. Roan Creek)</i>	BLM	Garfield

Specifics of recommendations are located on CWCB web site



# Postponed Recommendations to be Processed in 2015

## Water Division 6

Stream Name	Recommender	County
<b>Piceance Creek</b> <i>(Confl. Dry Fork to Confl. White River)</i>	BLM & CPW	Rio Blanco
<b>Yellow Creek</b> <i>(Confl. Barcus Creek to Lambert Springs)</i>		
<b>Yellow Creek</b> <i>(Confl. Lambert Springs to Confl. White River)</i>		
<b>Willow Creek</b> (ISF Increase) <i>(Outlet of Steamboat Lake to Confl. Beaver Creek)</i>	BLM	Routt
<b>Willow Creek</b> (ISF Increase) <i>(Confl. Beaver Creek to Confl. Lester Creek)</i>		

Specifics of recommendations are located on CWCB web site



# Recommending Entities



Coordinate with federal, state and local entities to address their resource protection goals through state-held water rights



Basin Roundtables

# Colorado Water Plan

Governor has directed us to incorporate values identified by the BRTs into the CWP, including:

***A strong environment that includes healthy watersheds, rivers and streams, and wildlife***

ISF Program's role:

- Work with BRTs and other stakeholders on nonconsumptive projects to protect environmental and recreational attributes
- Seek opportunities to collaborate on multi-use projects
  - Protect environment
  - Assist in enabling projects to move forward



# Web Site updates on Recommended Streams

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



[Home](#) > [Environment](#) > [Instream Flow Program](#) > [Instream Flow Appropriations](#)

## Environment

[Instream Flow Program](#)

[Instream Flow Appropriations](#)

[Water Acquisitions](#)

[Monitoring & Enforcement](#)

[Climate Change](#)

[Watershed Protection & Restoration](#)

[Nonconsumptive](#)

## 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



### Recommended Appropriations

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

- [2014 Proposed ISF Appropriations](#)
- [2013 Proposed ISF Appropriations](#)



# Questions ?

