

2015 Instream Flow Workshop

Colorado Water Conservation Board
Instream Flow Program

East Douglas Creek

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ISF Program History



Environmental Movement

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

Toxic Chemicals

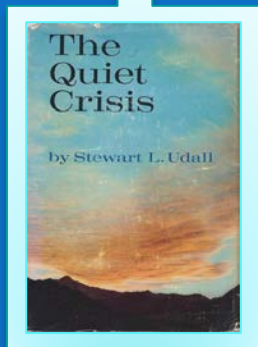


1st Earth Day



- 1970 National Environmental Policy Act
- 1972 Clean Water Act,
Costal Zone Mgt. Act
Marine Mammal Protection Act
- 1973 Endangered Species Act
- 1974 Safe Drinking Water Act

1960's



Abuse of Nation's
Natural Resources

1964
Wilderness
Preservation Act

1968
Wild and Scenic
Rivers Act



Keep America
Beautiful
Campaign

1970's



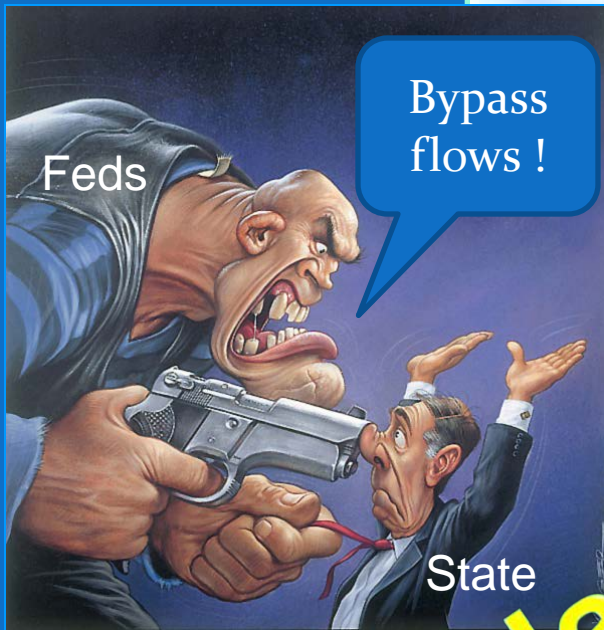
Creation of New
Federal Agencies

Colorado in the 1970's

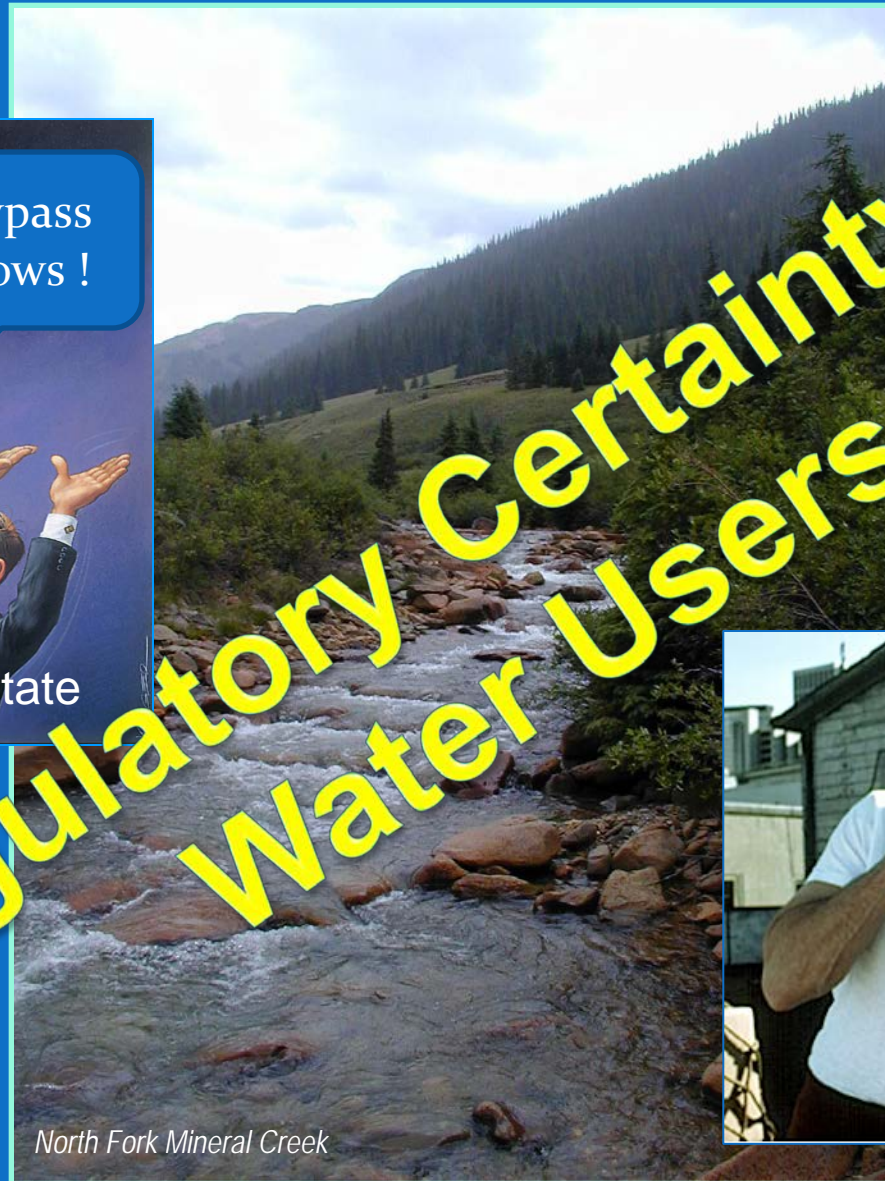
A photograph of a dry, rocky stream bed in a grassy valley. The stream is filled with dark, wet rocks and pebbles, with small pools of water reflecting the sky. The surrounding landscape is green with grass and shrubs, and hills are visible in the background under a clear sky.

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



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.”*

What did the ISF legislation establish?

- 
- ISF and NLL rights are “in-channel” or “in-lake” appropriations of water and are recognized beneficial uses 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

ISF Program Statistics

Appropriated

Instream flow water rights on

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

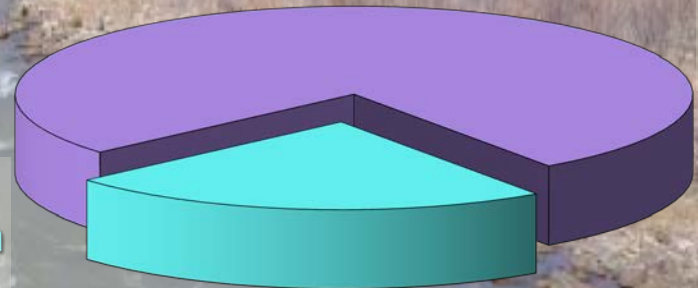
Acquired

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

420 cfs and 9,340 AF

With ISF
Protection
23%

Without ISF
Protection
77%



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

A photograph of a stream with a fish and green foliage. The background is a shallow stream with a brownish-green water surface. A fish, possibly a trout or salmon, is visible in the water, swimming towards the left. On the right side, there are green leaves and branches of a tree or shrub. The text is overlaid on the top left of the image.

New Appropriation Recommendations (ISF Rule 5 Procedure)

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

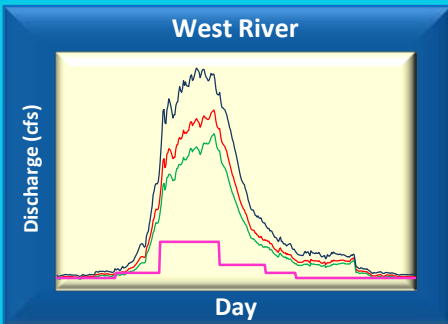
Statutory Requirements



A natural environment exists

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

Note: Quantification of the amount of water needed is provided by the recommending entity.



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

- Determined by water right and hydrologic investigations
- Daily Median hydrology when available



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

Recommending Entity's Role

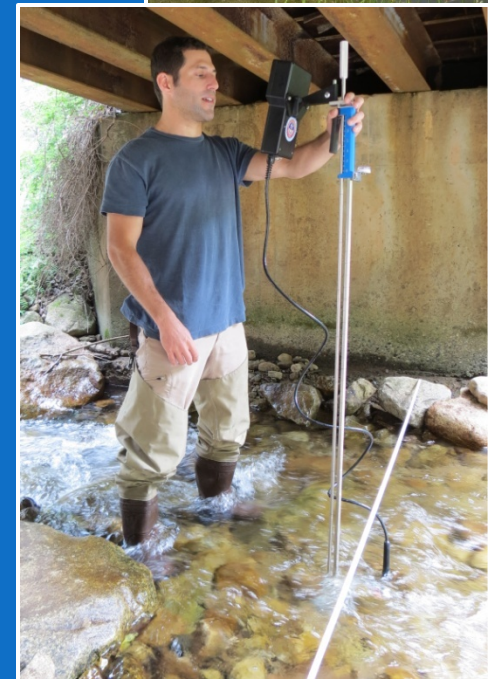
- Identify the stream or lake of interest and provide location information and termini for stream reaches (UTM locations, Division, County, etc)
- Identify the aspects of the Natural Environment that would be preserved with an ISF or NLL water right (Provide any supporting reports, fish surveys, photos)
- Quantify the amount of water needed using standard methodologies: R2Cross, PHABSIM, River2D, etc.
- Prepare a cursory analysis of water availability (ie: Streamstats, water rights review)
- Identify stakeholders and participate in staff outreach efforts.
- Identify any specific access issues of which staff should be aware.
- Testify on natural environment and quantification science at a potential contested hearing.



Follow Recommendation Letter Guidelines

CWCB Staff's Role

- Review and analyze data provided by the recommending entity.
- Prepare a detailed water availability analysis
- Perform a site investigation on each stream and collect additional data as necessary.
- Provide notice and outreach to stakeholders
- Prepare executive summaries for the Board for each stream that provides sufficient information for the Board to make its statutory findings.
- Move the recommendation through the Board's ISF Rule 5 process from appropriation to filing with the water court. (If contested, staff will work with the recommending entity to support the appropriation).



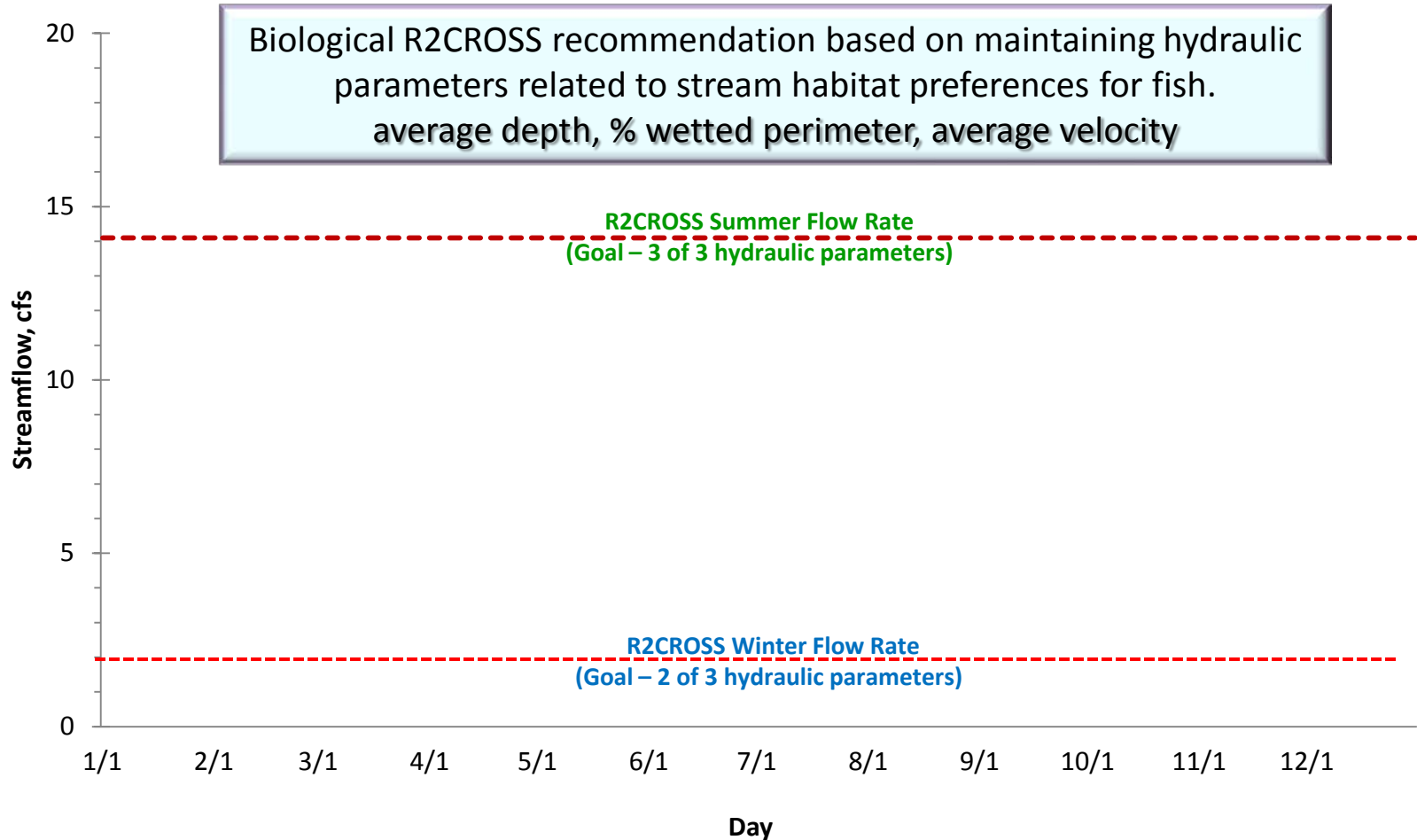
Water Availability



Water Availability

West Divide Creek

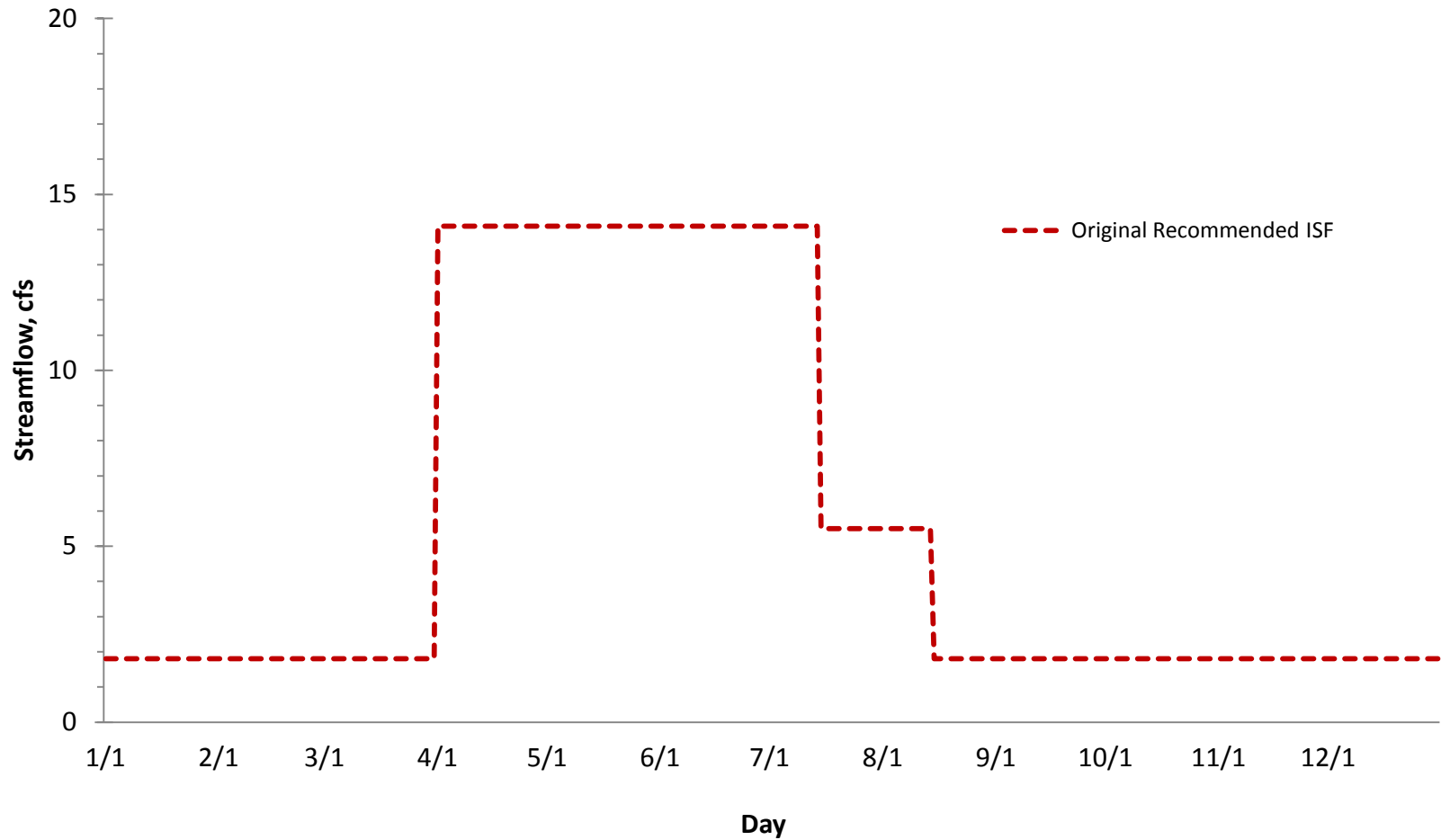
Lower terminus: confluence with Mosquito Creek



Water Availability

West Divide Creek

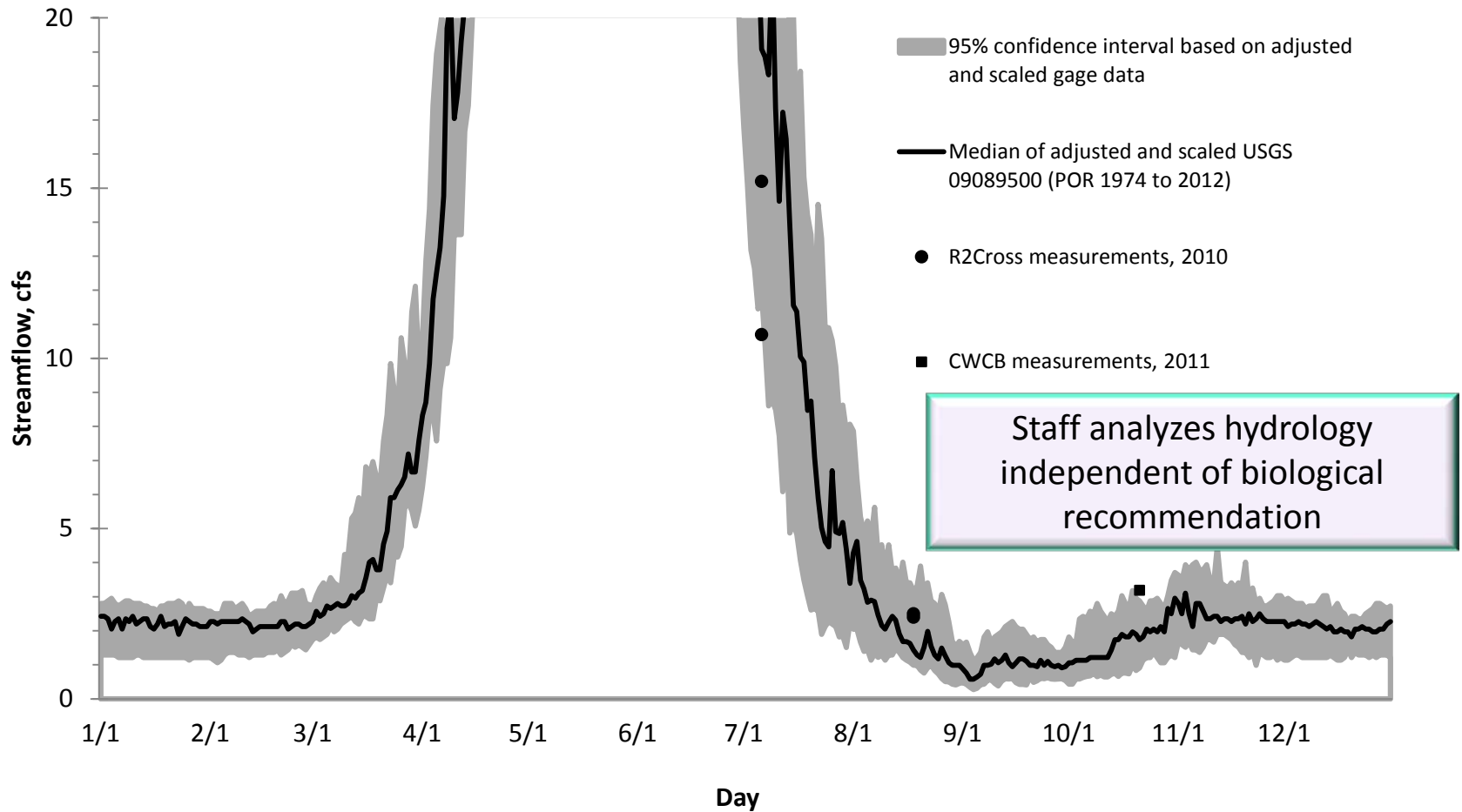
Lower terminus: confluence with Mosquito Creek



Water Availability

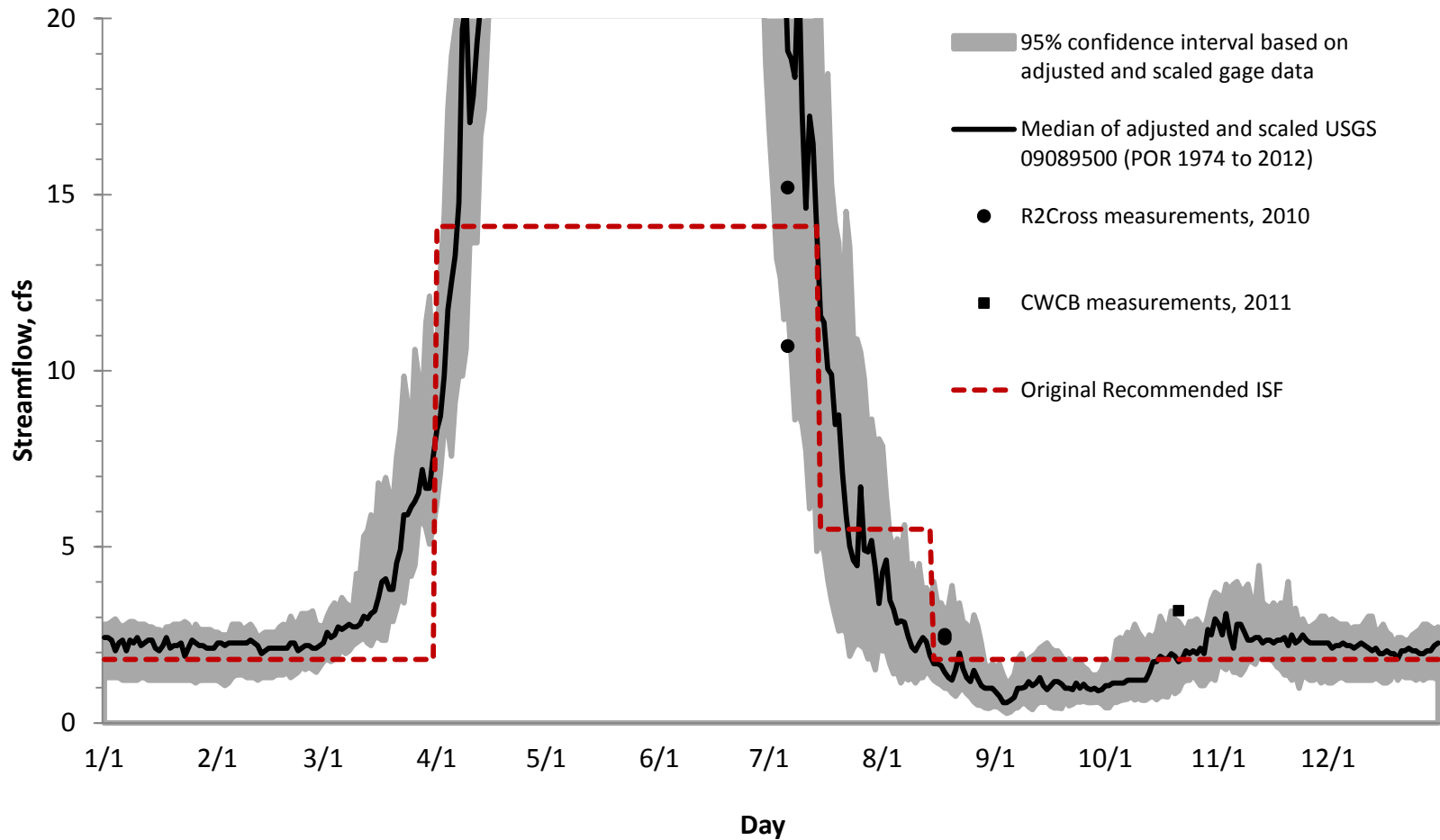
West Divide Creek

Lower terminus: confluence with Mosquito Creek



Water Availability

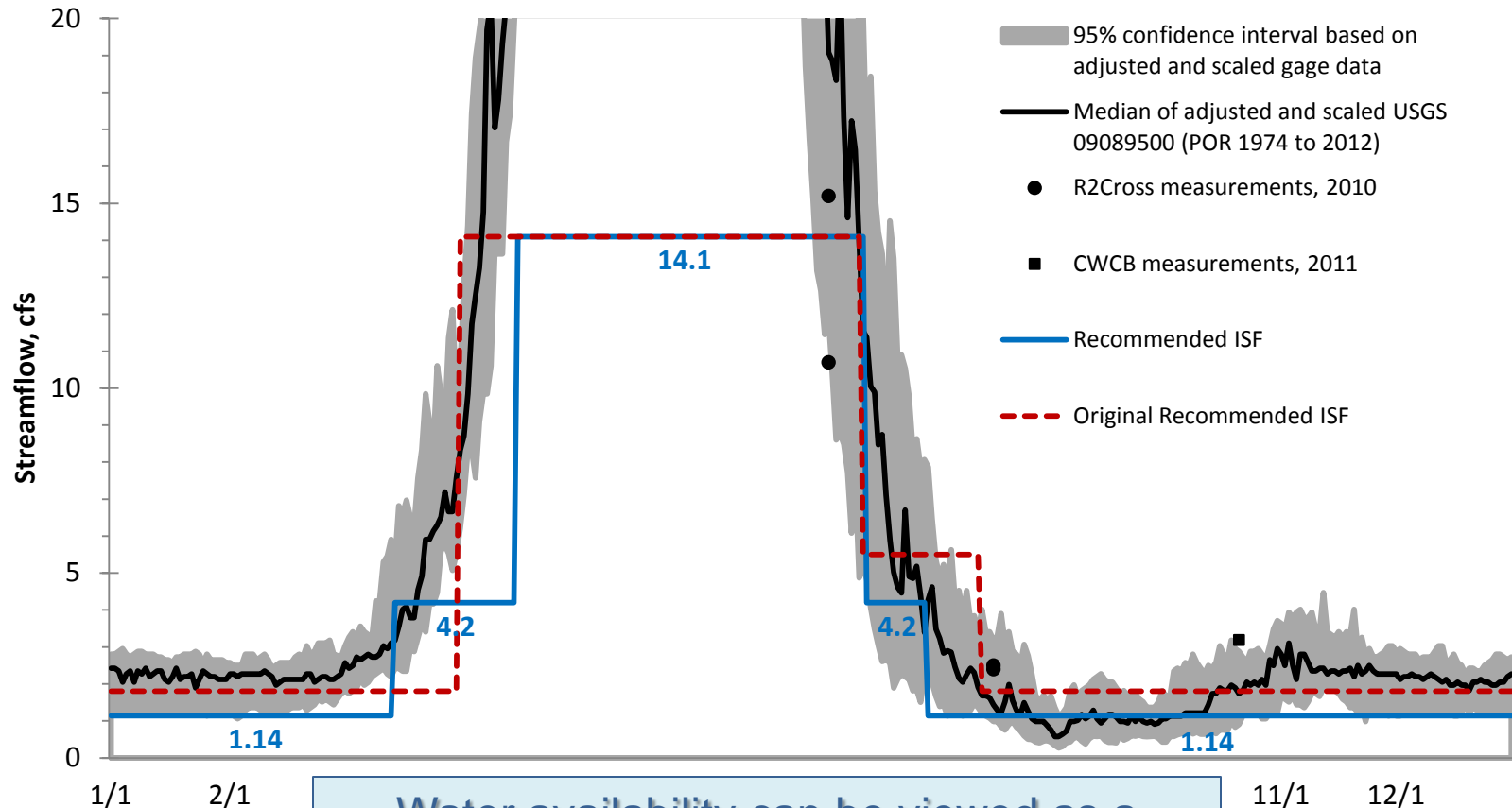
West Divide Creek
Lower terminus: confluence with Mosquito Creek



Water Availability

West Divide Creek

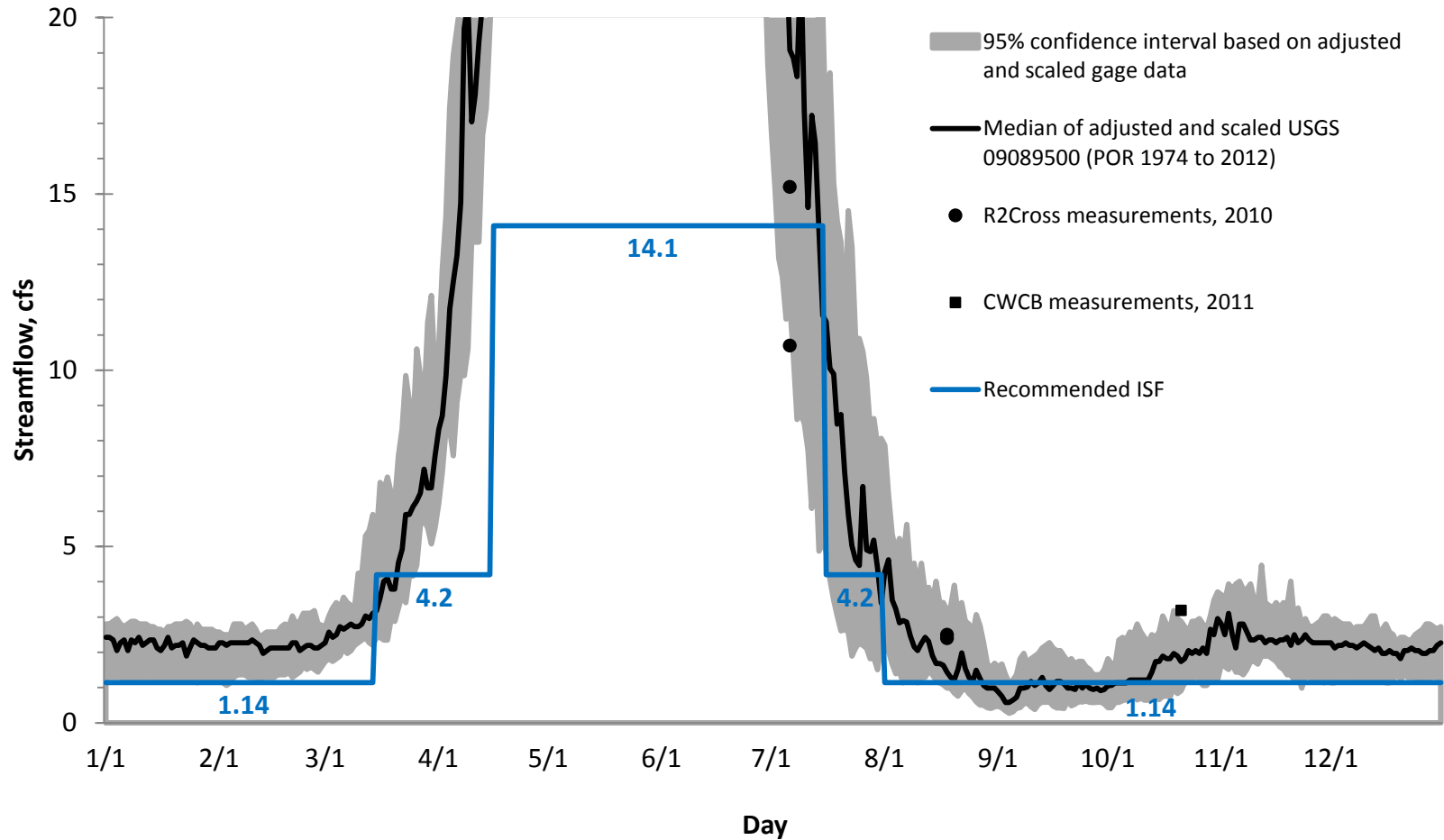
Lower terminus: confluence with Mosquito Creek



Water availability can be viewed as a necessary refinement that may impose limitations on biological quantification model findings.

Water Availability

West Divide Creek
Lower terminus: confluence with Mosquito Creek



New Appropriation Process

Recommendation Development by Entity (Year 1)

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

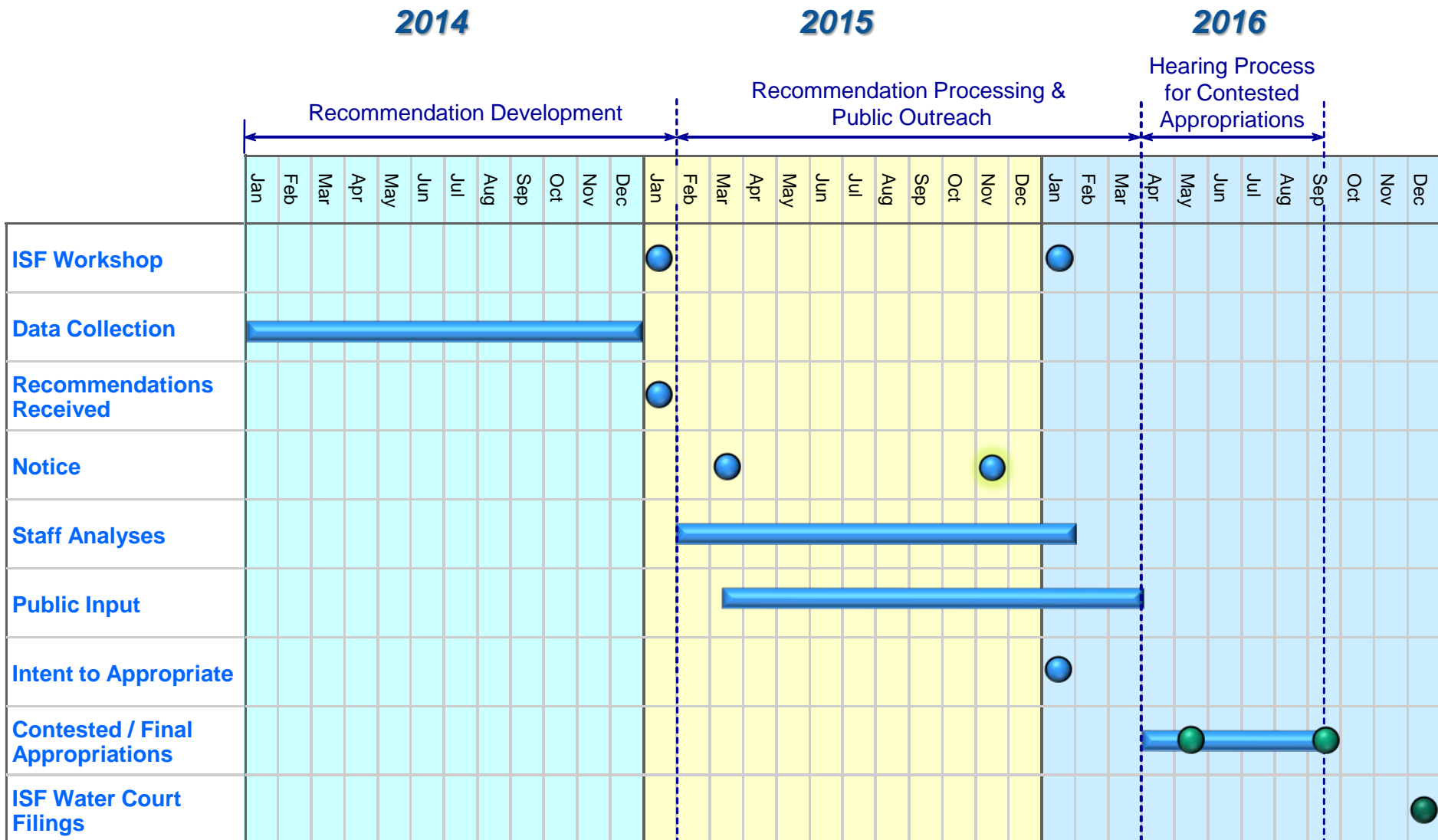
Recommendation Processing and Outreach Activities by Staff (Year 2)

- 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



Recommendation Processing Deadlines

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Recommendations in Writing with some Specificity	28th 											
All R2Cross Data, Model Runs, Fishery surveys etc.					1st 							
Supplemental R2Cross if needed										30th 		
Final modifications based on water availability results											13th 	
Final signed recommendation letters & reports												4th 

Prioritization of Candidate Streams

Factors that influence the prioritization of candidate streams

- Sufficiency of data provided by recommending entity.
- Staff workload and resources (budget & FTE resources)
- Board priorities and direction to staff
- Streams with threatened, endangered, or sensitive species.
- Stakeholder concerns (extended time for discourse based on specific issues that require additional staff investigation)
- Need for additional water availability data collection, 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 2016

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)		
Boxelder Creek (Confl. South & North Boxelder Creeks to Confl. Slab Canyon Wash)	CPW & Larimer County Open Lands	Larimer
Sand Creek (Headwaters to Inlet Mountain Supply Reservoir No. 1)		
Lone Tree Creek (NW S29 T12N R67W to SE S31 T12N R67W)	CPW & City of Fort Collins	Weld

Specifics of recommendations are located at cwcb.state.co.us

Postponed Recommendations to be Processed in 2016

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 at cwcb.state.co.us

Postponed Recommendations to be Processed in 2015

Water Division 4

Stream Name	Recommender	County
Little Cimarron River <i>(Increase)</i> <i>(Headwaters to Butte Ditch Headgate)</i>	CPW	Gunnison, Hinsdale
Little Cimarron River <i>(Butte Ditch Headgate to Confl. Cimarron River)</i>		Gunnison, Montrose

Water Division 5

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

Specifics of recommendations are located at cwcb.state.co.us

Postponed Recommendations to be Processed in 2015

Water Division 6

Stream Name	Recommender	County
Piceance Creek <i>(Confl. Dry Fork to Confl. White River)</i>	BLM	Rio Blanco
Willow Creek (Increase) <i>(Outlet of Steamboat Lake to Confl. Beaver Creek)</i>	BLM	Routt
Willow Creek (Increase) <i>(Confl. Beaver Creek to Confl. Lester Creek)</i>		
North Fork Elkhead Creek <i>(Headwaters to confl. Sawmill Creek)</i>	CPW	Routt
North Fork Elkhead Creek <i>(Confl. Sawmill Creek to Confl. Elkhead Creek)</i>		Routt
Sawmill Creek <i>(Headwaters to Confl North Fork Elkhead Creek)</i>		Routt, Moffat

Specifics of recommendations are located at cwcb.state.co.us

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

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[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 ?

