

# 2019 ISF WORKSHOP



Morrison Creek



**COLORADO**

Colorado Water  
Conservation Board

Department of Natural Resources

# SESSION OVERVIEW

## New Appropriations Workshop

ISF Program Overview, 2019 Recommendations, and R2cross on eRAMS

(2:30 pm to 3:45 pm)

## Break

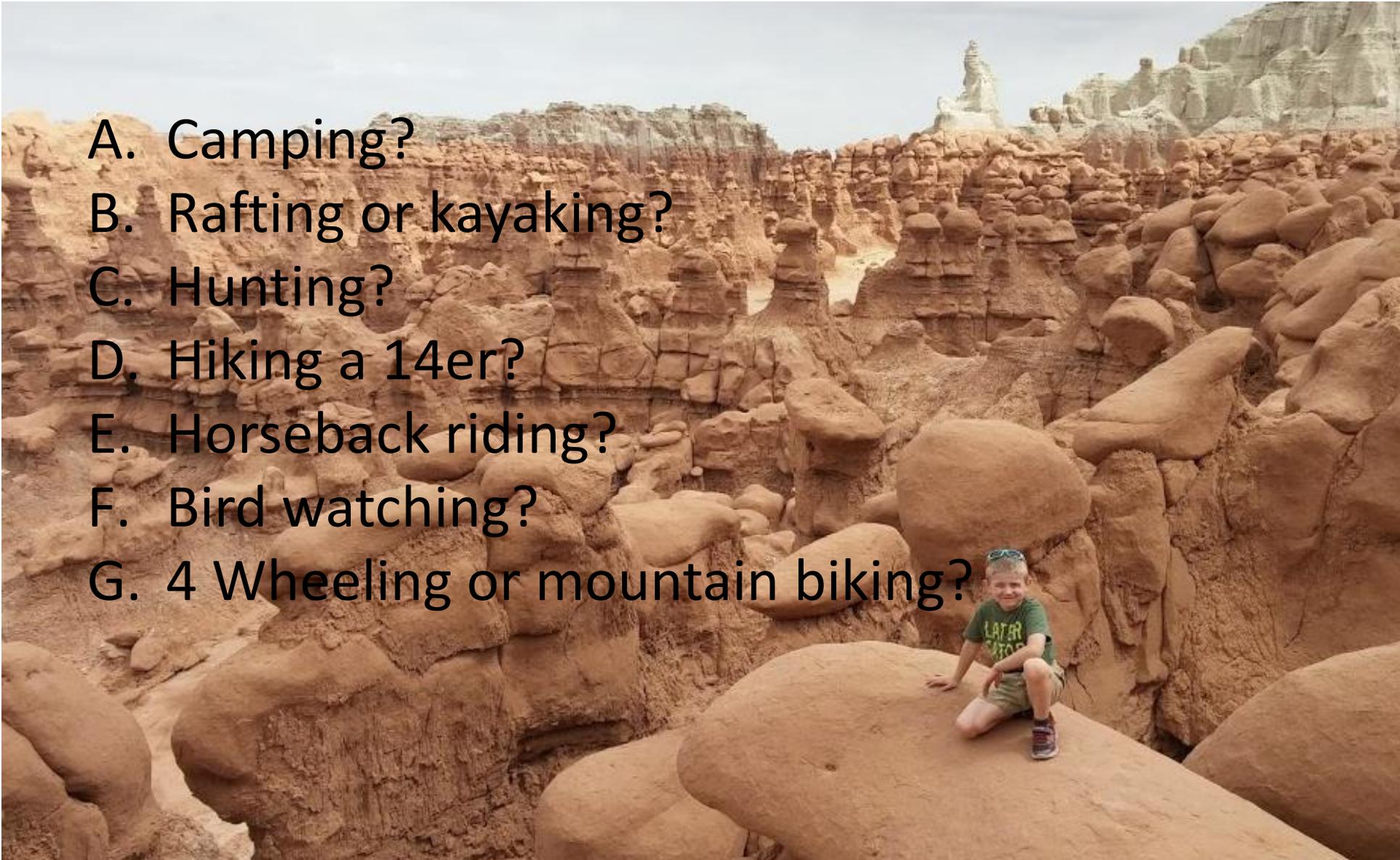
(~3:45 pm to ~4:00 pm)

## Request for Water Process 2019

(4:00 pm to 5:00 pm)

# Have you ever gone?

- A. Camping?
- B. Rafting or kayaking?
- C. Hunting?
- D. Hiking a 14er?
- E. Horseback riding?
- F. Bird watching?
- G. 4 Wheeling or mountain biking?



What percent of  
Coloradans  
identify as a  
hunter or angler  
or both?

44%



# What % of Coloradans think low levels of water in rivers is a serious problem?

81%



# COLORADO IN THE 1970s

- Public concern over dry stream reaches
- No mechanism within the water rights system to keep water within a stream for environmental preservation
- Federal imposition of bypass flows on Fry-Ark project
- Threats of ballot initiative to allow private ISFs



# SENATE BILL 73-97

## Established Colorado's Instream Flow Program



- Recognized “the need to correlate the activities of mankind with some reasonable preservation of the natural environment”
- Vested the CWCB 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 DOES THE PROGRAM ACCOMPLISH?



Legal mechanism to maintain streamflow for the natural environment.



Provides regulatory certainty for water users by preserving the doctrine of prior appropriation.



# ISF & NLL WATER RIGHTS

- In-channel or in-lake appropriations of water for environmental preservation
- 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
- Made exclusively by CWCB



# ISF PROGRAM STATISTICS

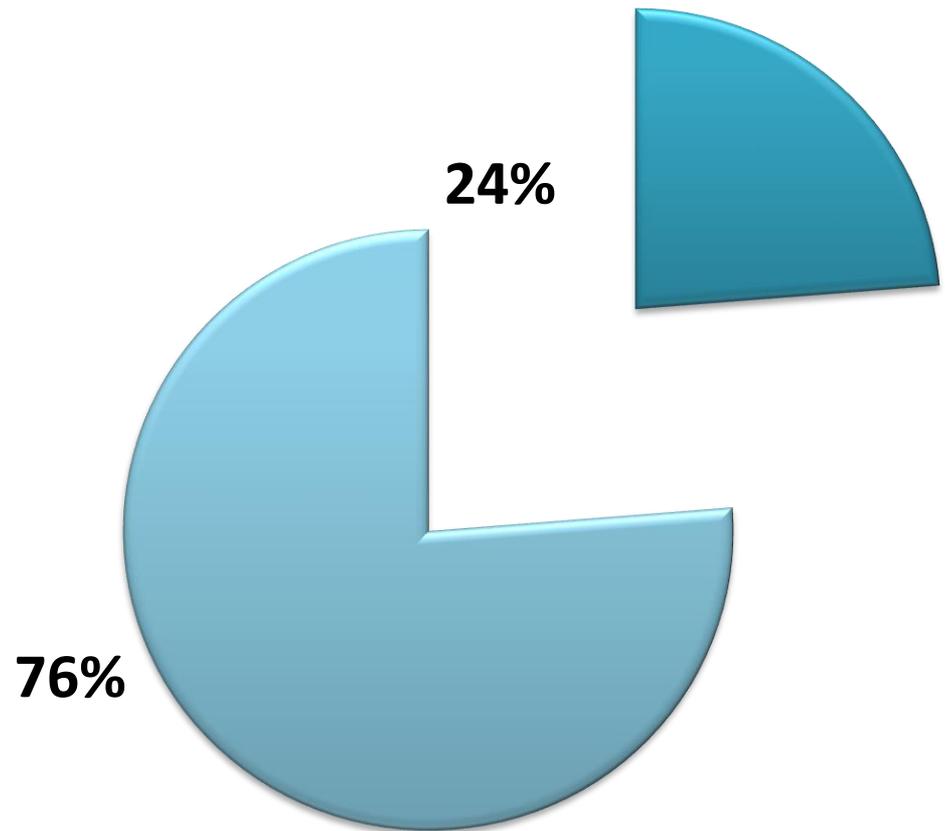
## INSTREAM FLOWS

1,610 stream segments

9,294 stream miles

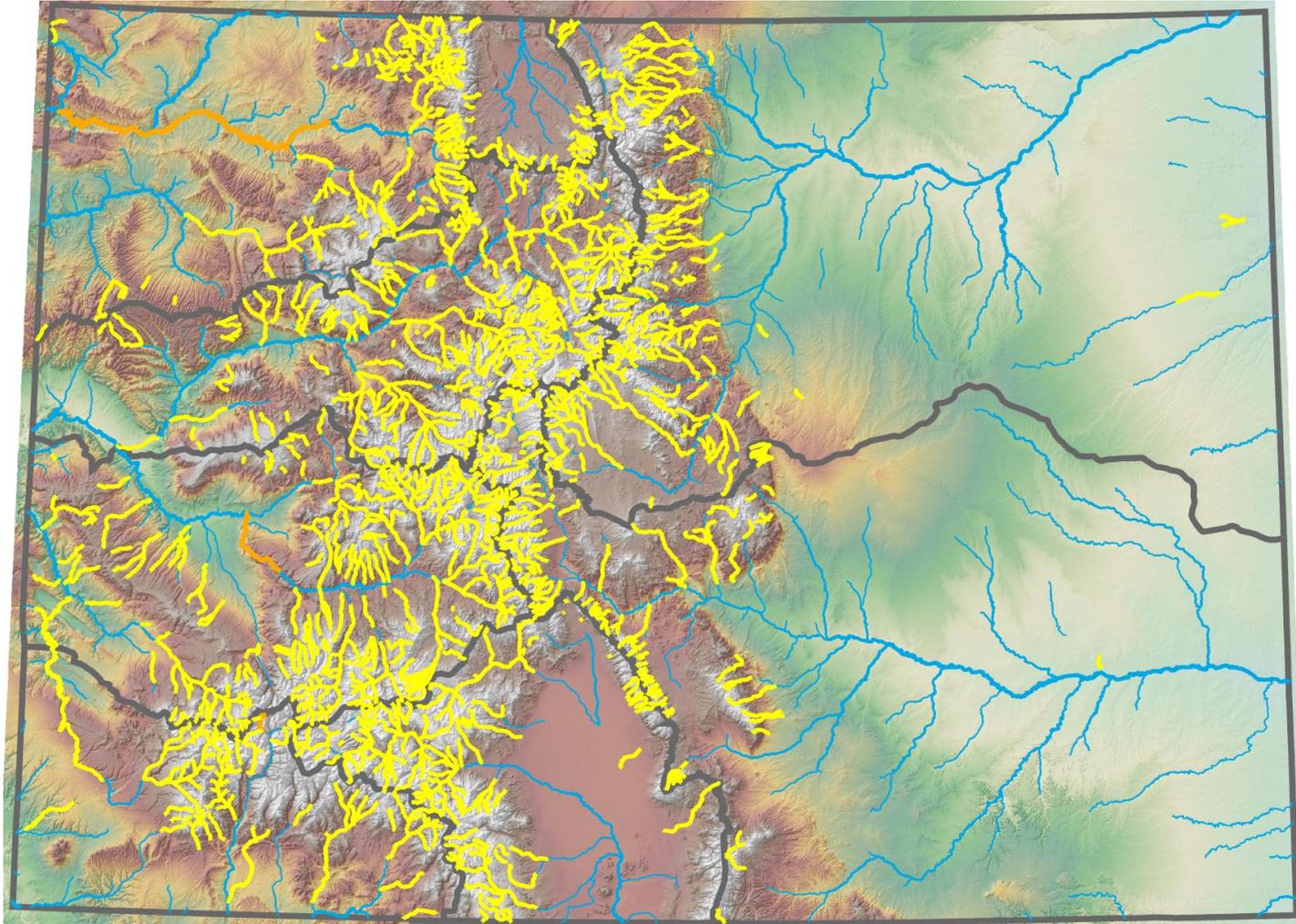
## NATURAL LAKE LEVELS

482 natural lakes



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

# EXISTING ISF WATER RIGHTS



Yellow lines represent streams with decreed ISF rights

# ISF PROGRAM AREAS

## **New Appropriations**

Appropriate and adjudicate a new (junior) ISF water right for the minimum required to preserve the natural environment to a reasonable degree

## **Water Acquisitions**

Acquire and use existing water rights in amounts CWCB determines appropriate to preserve or improve the natural environment to a reasonable degree

## **Monitoring and Request for Administration**

Actively monitor conditions at stream gages and initiate administrative calls as necessary to ensure ISF rights are met.

## **Legal Protection**

Initiating legal action through Colorado's water courts when necessary to provide 100% protection of the state's decreed ISF rights.

## **Inter-Section Issues**

DSS, Wild and Scenic, State Water Plan, Water Plan Grants, Stream Management Plans, etc

# ISF STAFF

**LINDA BASSI**

Section Chief

Policy, Program &  
Staff Management

**ROB VIEHL**

Sr. Water Resource Specialist

Appropriations, Physical Protection,  
Section Finances & Planning

**BRANDY LOGAN**

Sr. Water Resource Specialist

Appropriations , Physical Protection,  
& Legal Protection Analyses

**KAYLEA WHITE**

Sr. Water Resource Specialist

Acquisitions and Legal Protection

**JACK LANDERS**

Hydrologist\Hydrographer

Physical Protection & Monitoring

**KARA SCHEEL**

Engineer\Hydrologist

Appropriations &  
Physical Protection Analyses

**COLIN WATSON**

Engineer

Engineering Analysis,  
Acquisition Support

**KIM RICOTTA**

Paralegal

Legal Protection Support

# NEW APPROPRIATIONS

ISF Rule 5 procedure



# STATUTORY REQUIREMENTS

The Board must make 3 determinations before applying to water court for an ISF water right:

## (1) A natural environment exists

Typically identified by the presence of a coldwater fishery, but other indicators can be used (warm water fishery, riparian vegetation)



## (2) Water is available for appropriation

- Determined by water right and hydrologic investigations
- Daily Median hydrology when available –water available 50% of time

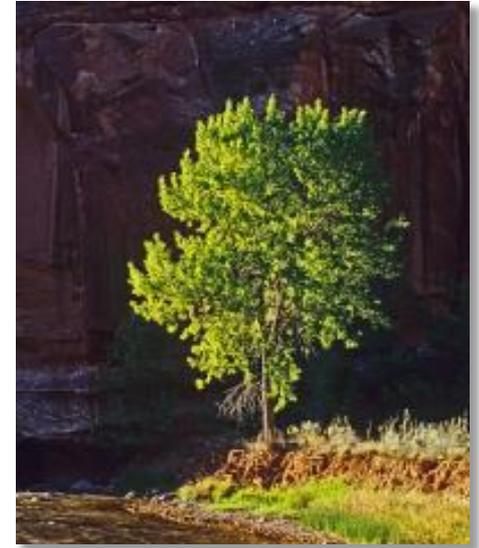
## (3) No material injury to other water rights will occur

- 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

# NATURAL ENVIRONMENT



flannelmouth sucker



Colorado cutthroat trout



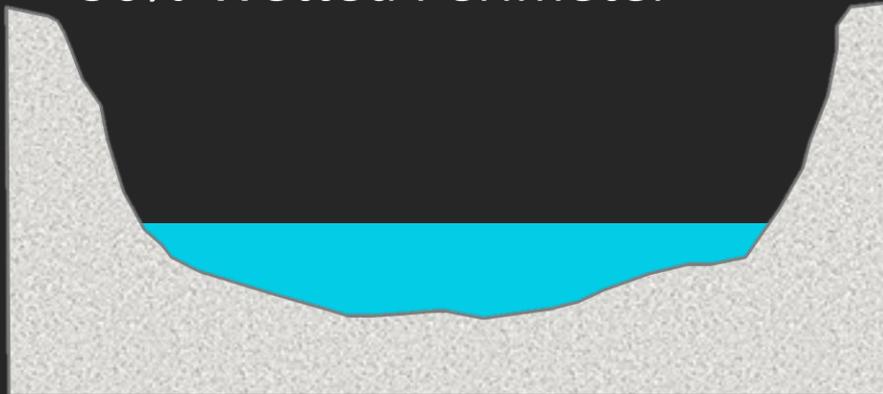
brook trout

# FLOW QUANTIFICATION

Usually based on the R2Cross model which determines the streamflow that will maintain 3 hydraulic parameters related to habitat

Habitat Criteria:

- Average Depth of 0.2 ft
- Average Velocity of 1.0 ft/sec
- 50% Wetted Perimeter



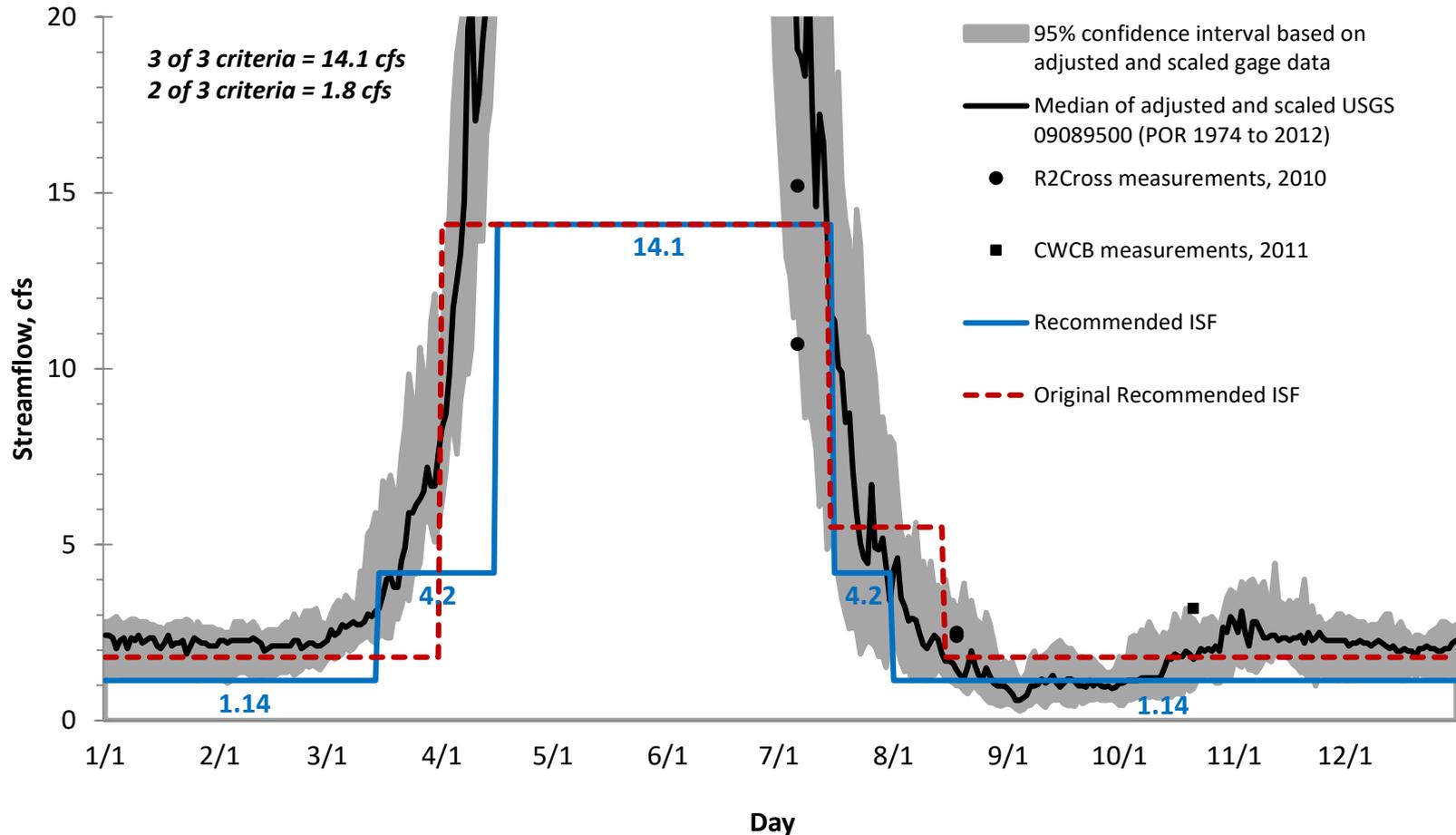
# WATER AVAILABILITY

- Water balance approach
  - Median physically available streamflow
- Best available data
  - Streamflow gages
  - Diversion records
  - StreamStats
  - Temporary streamflow gages
  - Spot measurements



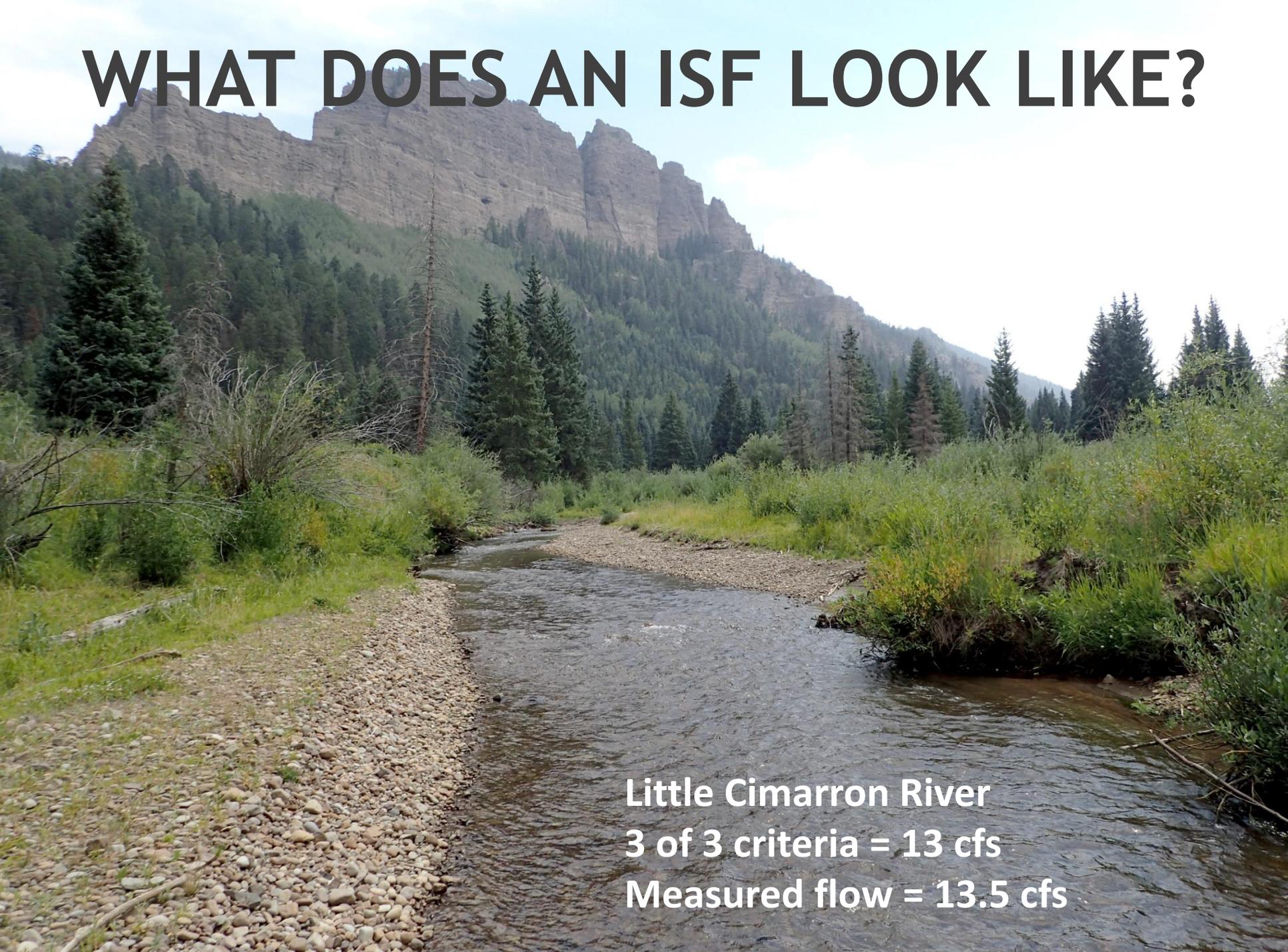
# WATER AVAILABILITY

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.*

# WHAT DOES AN ISF LOOK LIKE?

A scenic view of the Little Cimarron River flowing through a lush green valley. The river is in the foreground, with a rocky bank on the left and a dense forest of evergreen trees on the right. In the background, a large, rugged mountain with a prominent peak rises against a clear sky. The overall scene is a natural, undisturbed landscape.

Little Cimarron River  
3 of 3 criteria = 13 cfs  
Measured flow = 13.5 cfs

# ISF APPROPRIATION PROCESS

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

## **Recommendation Development**

- Collect data and determine flow requirements
- Submit recommendations “with specificity and in writing”.
- Identify stakeholders and participate in outreach efforts.
- Testify on natural environment and flow requirements if there is a contested hearing.



# ONGOING ISF RECOMMENDATIONS

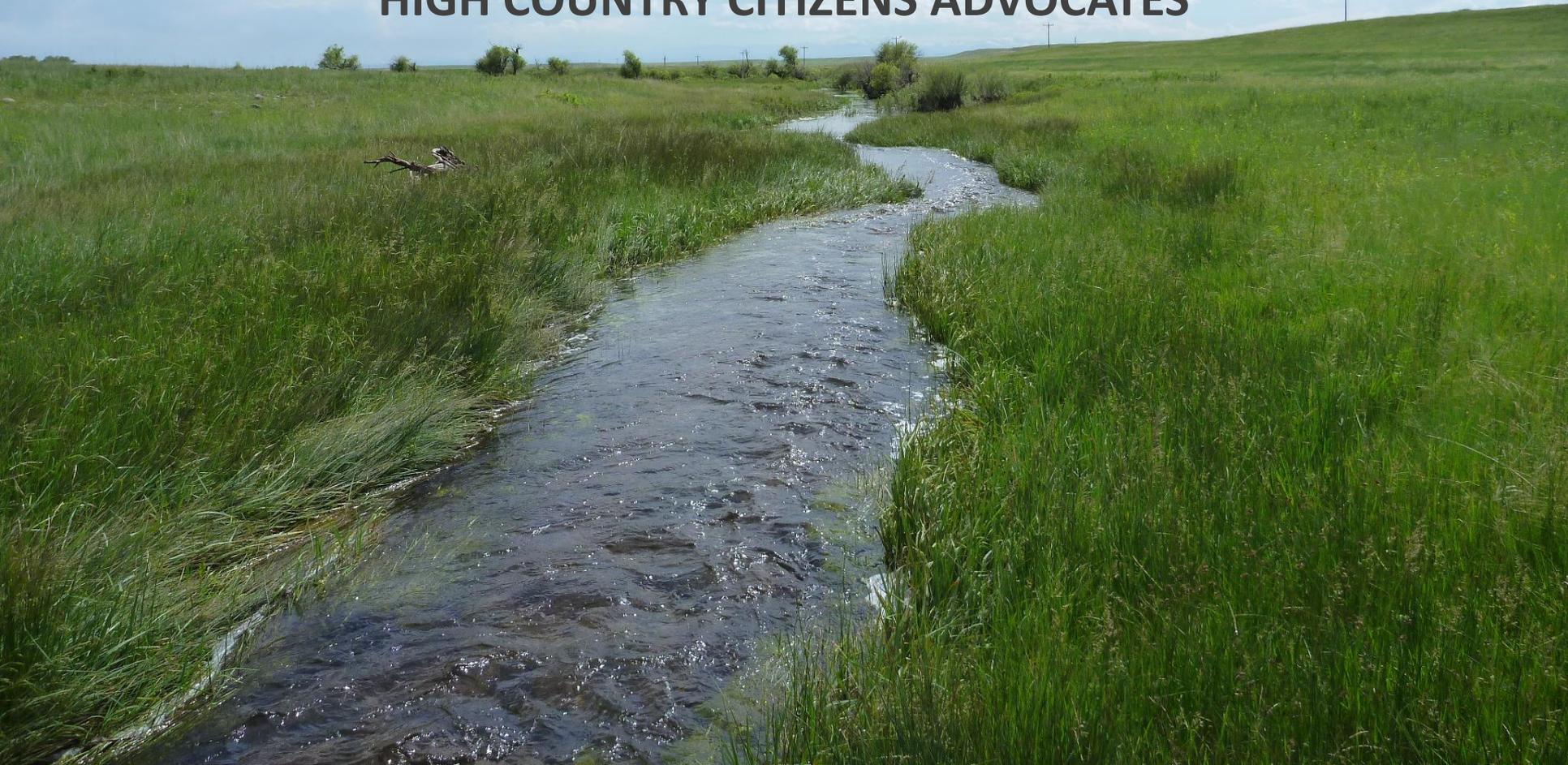
<b>Division</b>	<b>Waterbody</b>	<b>Counties</b>	<b>Watersheds</b>	<b>Recommender</b>
1	Unnamed Tributary to Duck Creek	Clear Creek	Upper South Platte	CPW
1	North Fork Little Thompson River	Larimer	Big Thompson	CPW
1	Sulzer Gulch	Larimer	Big Thompson	CPW
1	Spring Canyon	Larimer	Cache La Poudre	CPW
2	Wahatoya Creek	Huerfano	Huerfano	CPW
2	Indian Creek	Huerfano	Huerfano	CPW
2	Cucharas River	Huerfano	Huerfano	CPW
2	Cucharas River	Huerfano	Huerfano	CPW
2	Cucharas Creek	Huerfano	Huerfano	CPW
4	Kelso Creek	Mesa	Lower Gunnison	CPW
4	Little Cimarron River	Gunnison & Montrose	Upper Gunnison	CPW
4	Little Cimarron River	Gunnison	Upper Gunnison	CPW
4	Cow Creek	Ouray	Uncompahgre	CPW
4	Spring Creek	Montrose	San Miguel	BLM
4	Monitor Creek	Montrose	Lower Gunnison	BLM
4	Potter Creek	Montrose	Lower Gunnison	BLM
4	Cottonwood Creek	Delta & Montrose	Lower Gunnison	BLM
4	Naturita Creek	San Miguel	San Miguel	BLM
4	Naturita Creek	Montrose & San Miguel	San Miguel	BLM
4	Gold Creek	Gunnison	Tomichi	HCCA

# ONGOING ISF RECOMMENDATIONS

Division	Waterbody	Counties	Watersheds	Recommender
6	Piceance Creek	Garfield & Rio Blanco	Piceance-Yellow	BLM
6	Piceance Creek	Rio Blanco	Piceance-Yellow	BLM
6	Milk Creek	Moffat	Lower Yampa	BLM
6	South Fork White River	Rio Blanco	Upper White	CPW
6	Morapos Creek	Moffat & Rio Blanco	Upper Yampa	CPW
6	Waddle Creek	Moffat	Upper Yampa	CPW
6	South Fork Williams Fork	Rio Blanco	Upper Yampa	CPW
6	South Fork Williams Fork	Routt	Upper Yampa	CPW
6	Williams Fork	Moffat	Upper Yampa	CPW
6	Pagoda Creek	Rio Blanco	Upper Yampa	CPW
6	Rough Creek	Rio Blanco	Upper Yampa	CPW
6	Watson Creek	Routt	Upper Yampa	BLM
6	Picket Pin Creek	Garfield	Upper White	CPW
6	Hauskins Creek	Garfield	Upper White	CPW
7	Rio Lado	Montezuma	Upper Dolores	USFS
7	Vallecito Creek	La Plata & San Juan	Upper San Juan	USFS
7	Little Taylor Creek	Montezuma	Upper Dolores	Dolores River Anglers & CPW
7	Tenderfoot Creek	Dolores & Montezuma	Upper Dolores	Dolores River Anglers & CPW
7	Ryman Creek	Montezuma	Upper Dolores	Dolores River Anglers & CPW
7	Wildcat Creek	Dolores & Montezuma	Upper Dolores	Dolores River Anglers & CPW
7	Rincon La Vaca Creek	Hinsdale	Upper San Juan	CPW
7	Marguerite Creek	Dolores	Upper Dolores	CPW
7	Burnett Creek	Dolores	Upper Dolores	CPW
7	Grasshopper Creek	La Plata	Animas	CPW
7	Himes Creek	Mineral	Upper San Juan	USFS

# 2019 ISF RECOMMENDATIONS

**BUREAU OF LAND MANAGEMENT  
COLORADO PARKS AND WILDLIFE  
AMERICAN RIVERS  
HIGH COUNTRY CITIZENS ADVOCATES**



# CONTACT INFORMATION

## ISF PROGRAM

<http://cwcb.state.co.us/Pages/CWCBHome.aspx>

303-688-3441

## RECOMMENDERS

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# QUESTIONS?

LOST CREEK

