

CWCB INSTREAM FLOW WORKSHOP

February 15, 2022
Kara Scheel, P.E.



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources



ISF WORKSHOP AGENDA

Instream Flow Appropriations (*50 min*)

ISF appropriations process & new recommendations

Instream Flow Acquisitions (*30 min*)

Request for water

Q&A (*10 min*)



ROB VIEHL

Section Chief

BRANDY LOGAN

New Appropriations
Water Resource Specialist

KARA SCHEEL

New Appropriations
Engineer/Hydrologist

**LAURA FIELDS-
SOMMERS**

New Appropriations
Hydrographer



KAYLEA WHITE

Legal Protection/
Acquisitions
Sr. Water Resource Specialist

COLIN WATSON

Legal Protection
Engineer

PETE CONOVITZ

Acquisitions
Water Resource Specialist

KIM RICOTTA

Legal Protection
Paralegal



Instream Flow Staff

ISF & NLL WATER RIGHTS

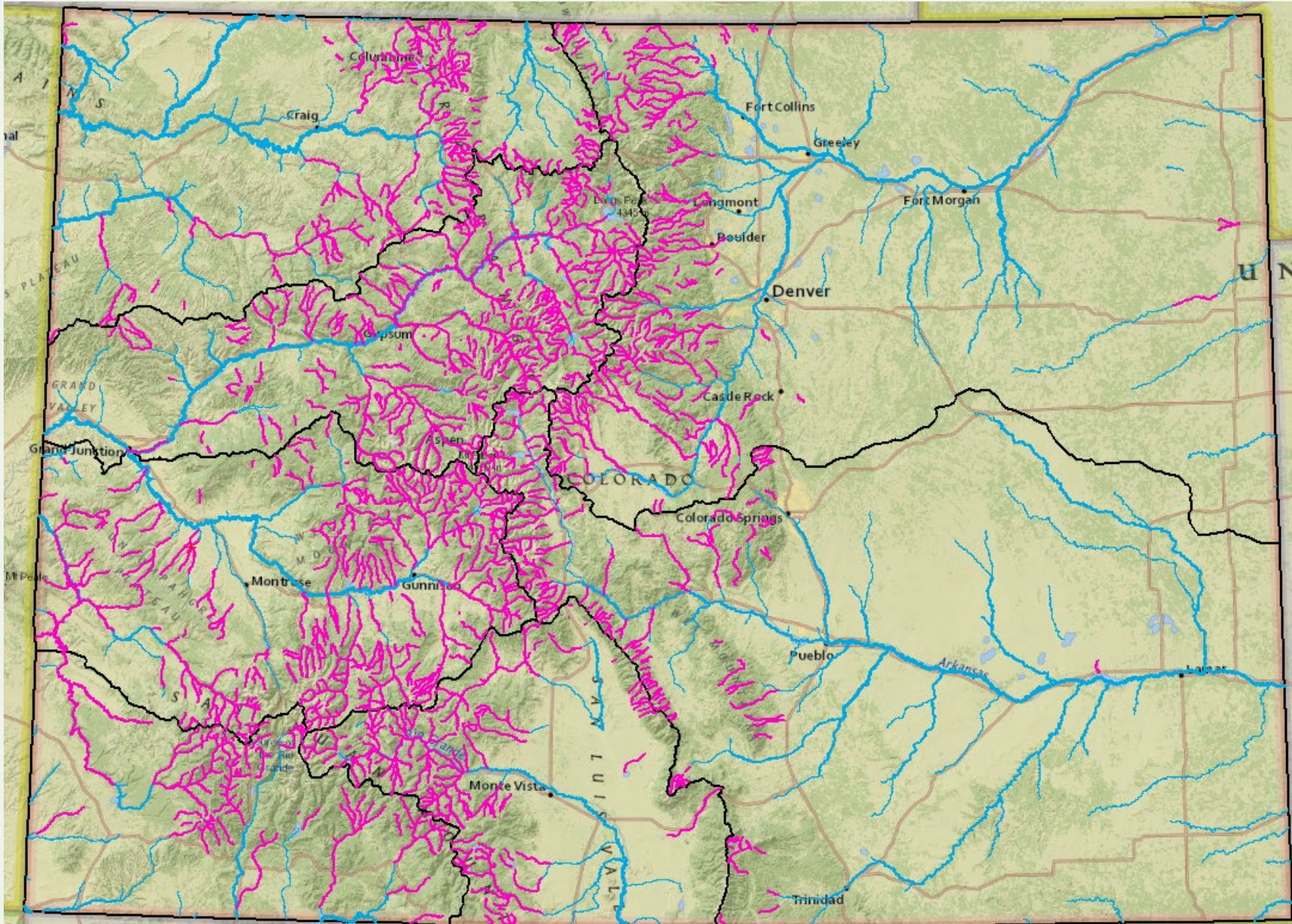
ISF = Instream flow & NLL = Natural Lake Level

Similar to other water rights...

- For a defined **amount** during seasons
- Administered within the State's **prior appropriation system**
- Recognized beneficial use

Unique...

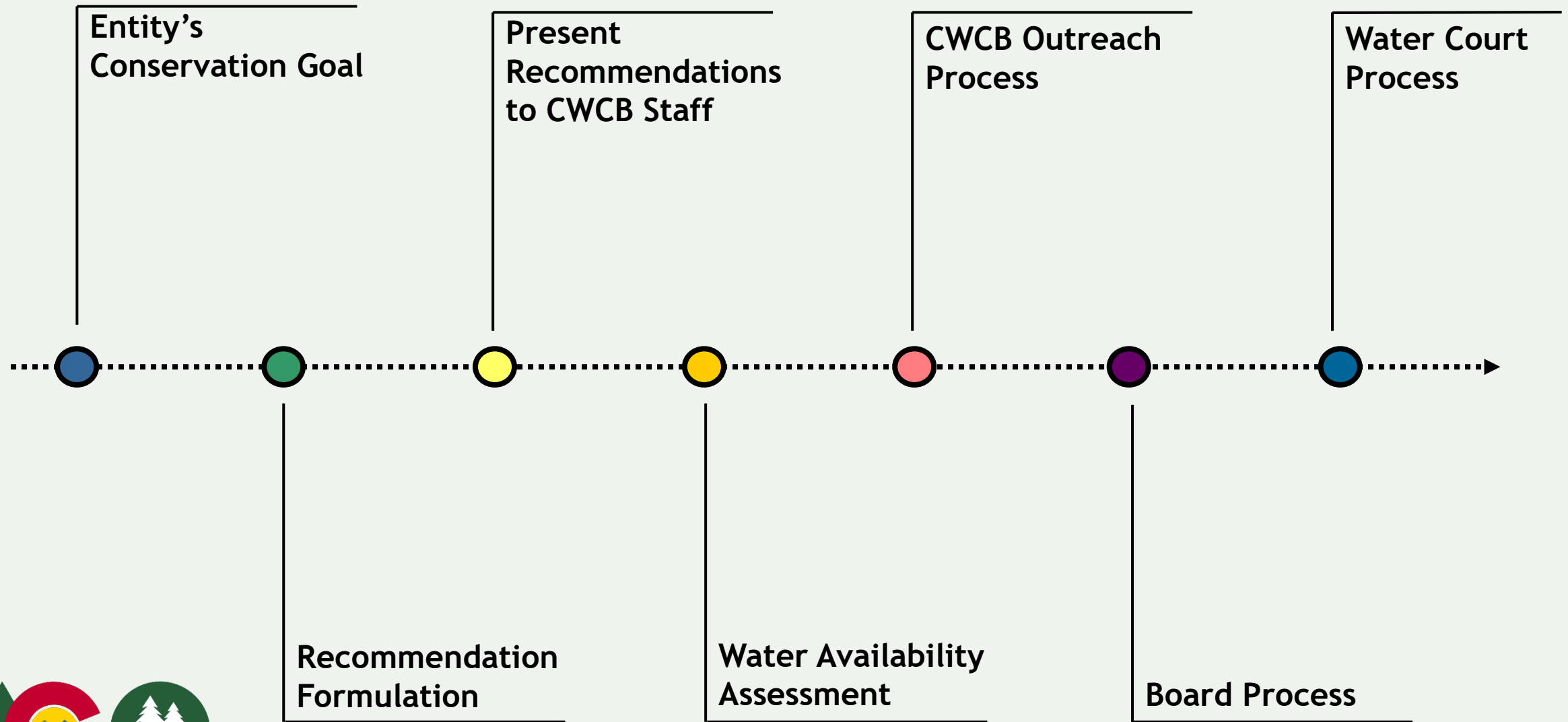
- **Exclusively** held by the CWCB
- **Non-consumptive minimum flows**
- Place of use: in a **stream reach** or in a **natural lake**.
- Beneficial use: **preserve natural environment**



- Over 1,700 ISF water rights in Colorado
- Most located in the western half of the state in perennial, headwater streams

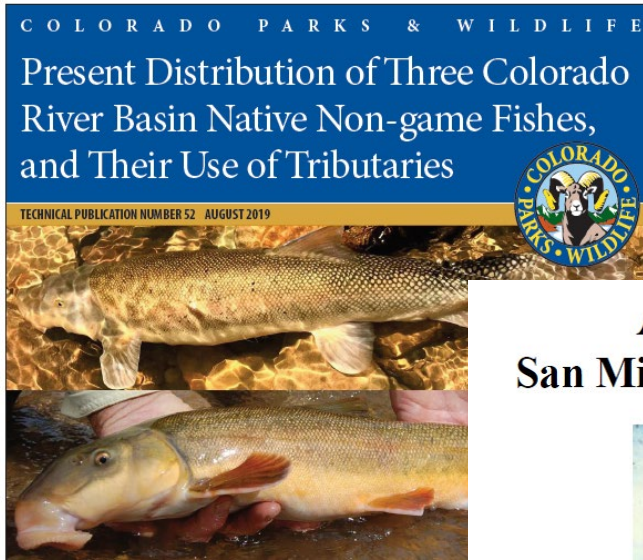


NEW APPROPRIATIONS PROCESS



Becoming an ISF: New Appropriation Process

Entity's Conservation Goal



CONSERVATION STRATEGY FOR COLORADO RIVER CUTTHROAT TROUT (*Oncorhynchus clarkii pleuriticus*)

in the States of
Colorado, Utah, and Wyoming

A Natural Heritage Assessment San Miguel and Western Montrose Counties, Colorado



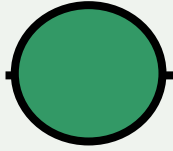
Becoming an ISF: New Appropriation Process

- **Identification of the natural environment**
- Determine site specific minimum flow needs

Recommendation Formulation



Becoming an ISF: New Appropriation Process

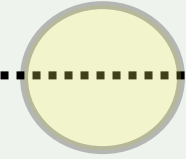


- Identification of the Natural Environment
- **Determine site specific minimum flow needs**

Recommendation Formulation



Habitat Criteria Example:
Average Depth of 0.2 ft
Average Velocity of 1.0 ft/sec
50% Wetted Perimeter



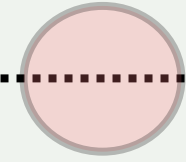
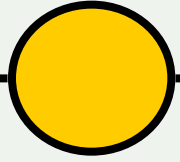
Becoming an ISF: New Appropriation Process

Present Recommendations to CWCB Staff

Annual ISF Workshop



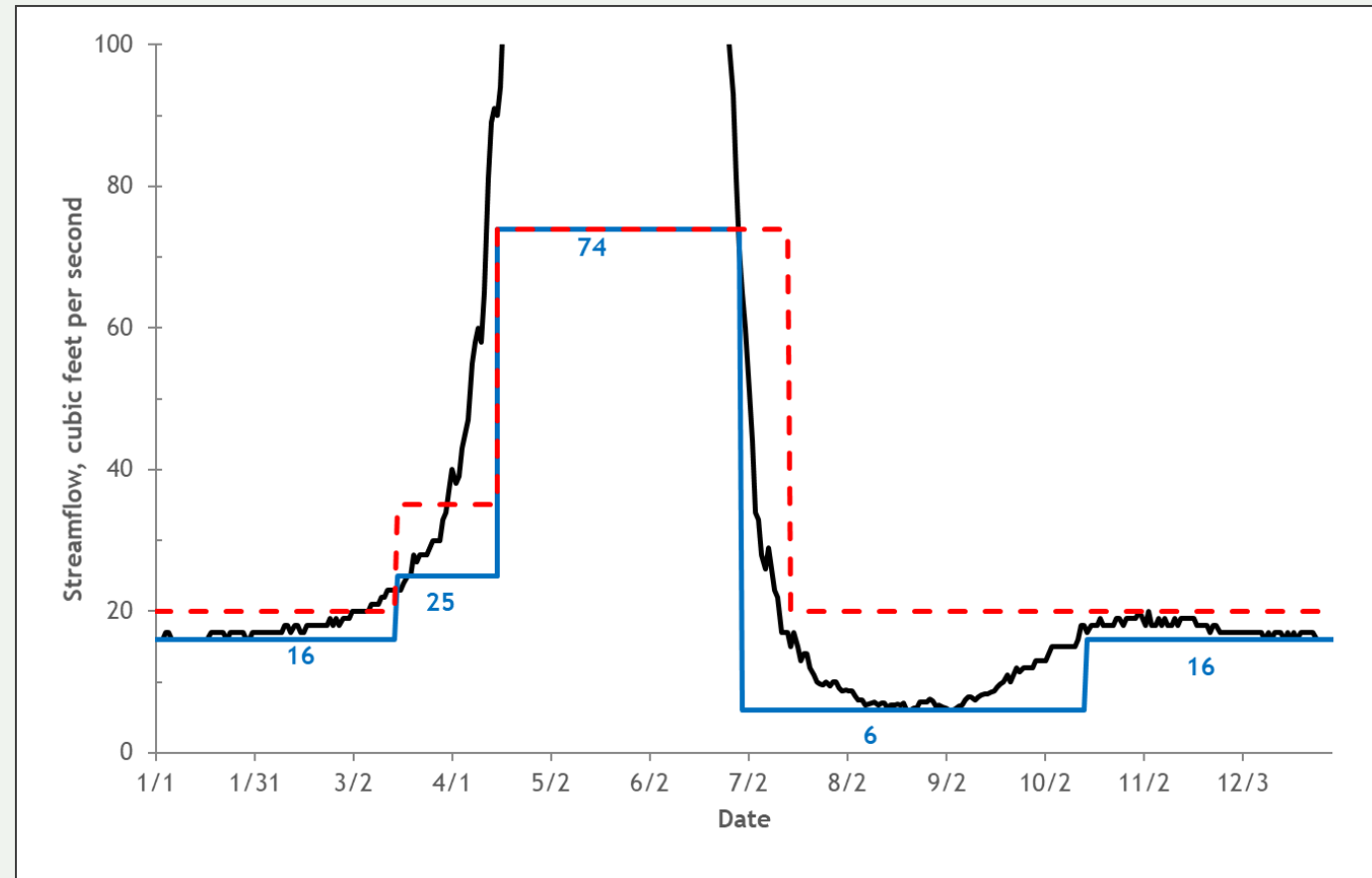
Becoming an ISF: New Appropriation Process



Data driven approach:

- Streamgage analysis
- Temporary streamgage
- Statistical model
- Diversion record
- Additional information

Water Availability Assessment



Becoming an ISF: New Appropriation Process

CWCB Outreach Process

- ISF subscription mailing list notices
- Stakeholder meetings
- Newspaper notices
- Landowner letters
- DWR

Proposed 2022 Instream Flow Appropriations in Water Divisions 4, 5, and 6



kara.scheel@state.co.us

to kara.scheel

Mon, Jan 31, 12



COLORADO
Colorado Water
Conservation Board

Department of Natural Resources

1313 Sherman Street, Room 718, Denver, Colorado 80203
Phone: (303) 866-3441 * Fax: (303) 866-4474
www.cwcb.state.co.us

NOTICE

To: Instream Flow Subscription Mailing Lists

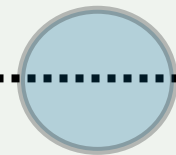
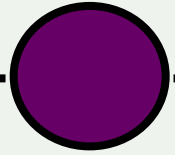
Subject: Proposed 2022 Instream Flow Appropriations in Water Divisions 4, 5, and 6

Date: January 31, 2022

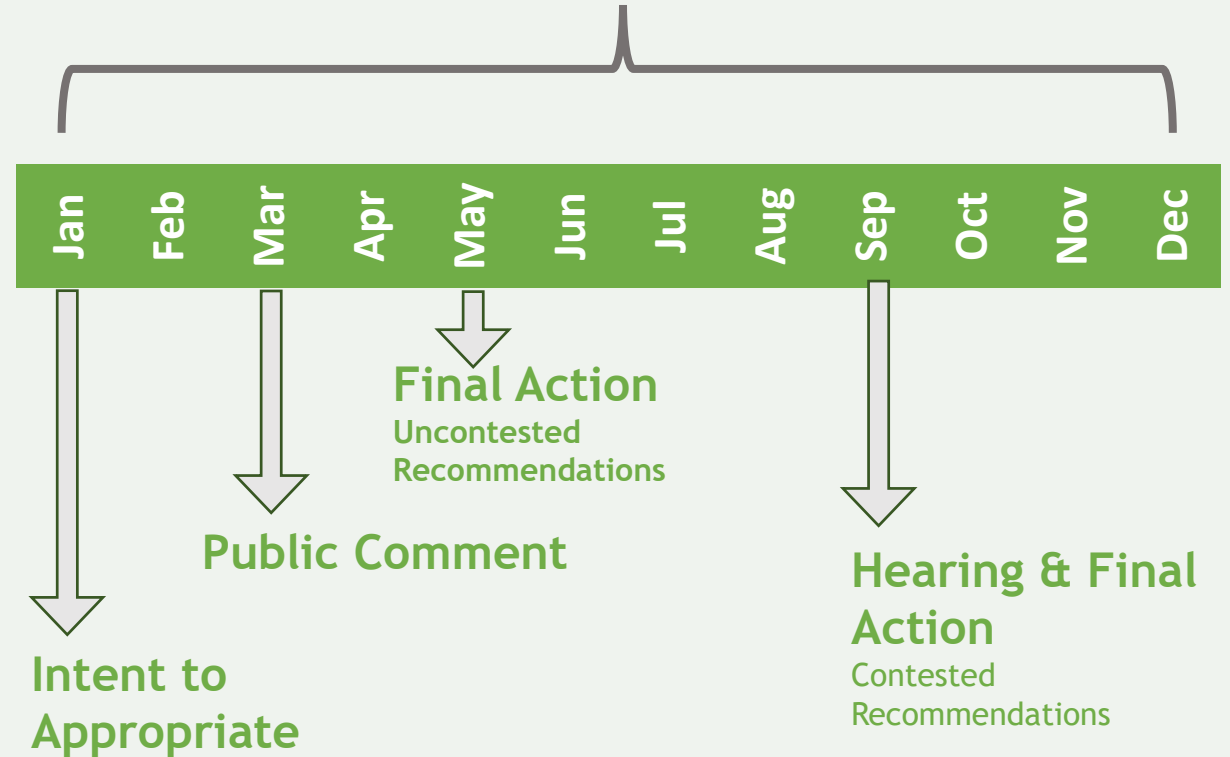
The Colorado Water Conservation Board ("CWCB"), 1313 Sherman Street, Suite 718, Denver, Colorado 80203. Please direct communications regarding this notice to Robert Viehl, Chief of the Stream and Lake Protection Section rcb.viehl@state.co.us, 303-866-3441 ext 3237: **RECOMMENDATION FOR WATER RIGHT TO PRESERVE THE NATURAL ENVIRONMENT TO A REASONABLE DEGREE, IN GARFIELD COUNTY, COLORADO.** The CWCB is the state water planning agency which, among other duties, is tasked with appropriating, acquiring and protecting instream flow (ISF) water rights to preserve and improve the natural environment to a reasonable degree for streams and lakes in the state. The CWCB is the only entity in the state that is authorized to appropriate ISF water rights. These water rights are held on behalf of the people of Colorado for the preservation of the water dependent natural environment. ISF water rights work within Colorado's water law system, and are junior to any existing rights and practices at the time of appropriation of the ISF. According to section 37-92-102 (3) (b), C.R.S. "Any such appropriation shall be subject to the present uses or exchanges of water being made by other water users pursuant to appropriation or practices in existence on the date of such appropriation, whether or not previously confirmed by court order or decree." For more information on whether this provision applies to specific undecreed uses of water in or above the proposed instream flow segments, and potential recognition of such uses in the CWCB's water court decree, or any other questions please contact Rob Viehl. CWCB staff and entities that recommended streams for ISF water rights are in the process.



Becoming an ISF: New Appropriation Process



Board Decisions & Hearing Process



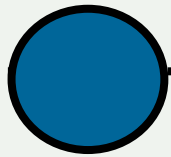
Board Process



Becoming an ISF: New Appropriation Process

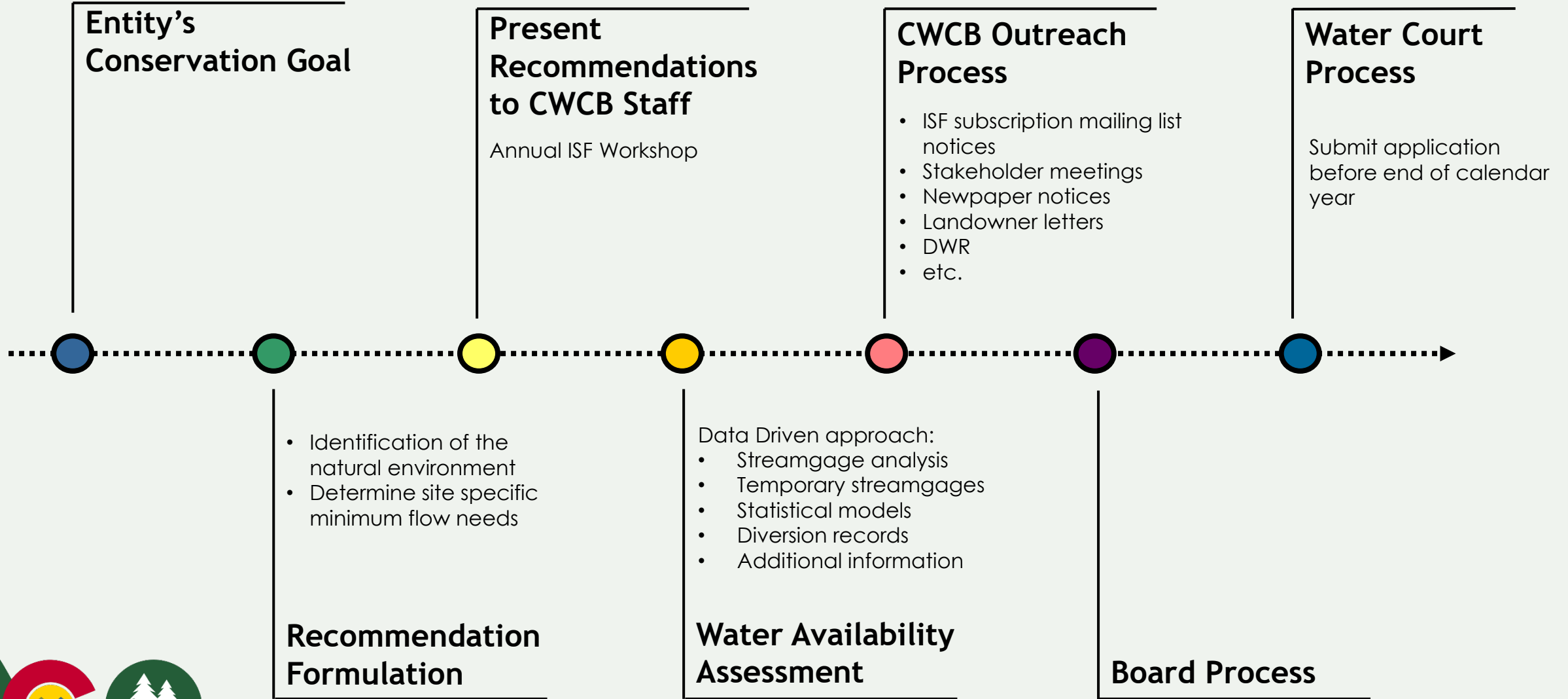
Water Court Process

Submit application before
end of calendar year



DISTRICT COURT, WATER DIVISION 4 MONTROSE COUNTY JUSTICE CENTER 1200 N. GRAND AVE. BIN A MONTROSE, CO 81401	^ COURT USE ONLY ^
CONCERNING THE APPLICATION FOR WATER RIGHTS OF: COLORADO WATER CONSERVATION BOARD, IN SPRING CREEK, A NATURAL STREAM; IN THE EAST-TAYLOR WATERSHED, IN GUNNISON COUNTY, COLORADO.	
Attorneys for the Colorado Water Conservation Board: PHILIP J. WEISER, Attorney General , Assistant Attorney General Attorney Reg. # * Natural Resources and Environment Section Colorado Department of Law Address: City: State: Zip:	Case No.: 2020CW____ Div. 4

Becoming an ISF: New Appropriation Process



Becoming an ISF: New Appropriation Process

ONGOING ISF RECOMMENDATIONS

cwcb.colorado.gov/

Water Division	Stream Name	Recommending Entity	County
1	Garber Creek	CPW	Douglas
1	Herman Gulch (Increase)	CPW	Clear Creek
1	Platte Gulch	CPW and Park Co.	Park
1	Sulzer Gulch	CPW and Larimer Co. DNR	Larimer
1	Unnamed Tributary to Duck Creek	CPW	Clear Creek
1	West Plum Creek	CPW	Douglas
2	Cottonwood Creek	CPW	Custer
2	Cottonwood Creek	BLM	Fremont
2	East Gulch	BLM	Fremont
4	Beaver Dams Creek	CPW	Ouray
4	Big A Creek	CPW	Montrose
4	Cottonwood Creek (Increase)	BLM	Montrose
4	Cunningham Creek	CPW	Delta
4	Curecanti Creek (Increase)	CPW	Gunnison
4	East Fork Dry Creek	CPW	Montrose, Ouray
4	East Muddy Creek	BLM	Gunnison
4	Goat Creek	BLM	San Miguel
4	Kelly Creek	CPW	Montrose
4	Little Cimarron River (increase)	CPW	Gunnison
4	Little Cimarron River	CPW	Gunnison, Montrose
4	Main Hubbard Creek	CPW	Delta
4	Middle Hubbard Creek	CPW	Delta

ONGOING ISF RECOMMENDATIONS

cwcb.colorado.gov/

Water Division	Stream Name	Recommending Entity	County
4	Monitor Creek	BLM	Montrose
4	Pine Creek	CPW	Gunnison
4	Potter Creek (Increase)	BLM	Montrose
4	Red Canyon	CPW	Montrose
4	Sink Creek	CPW	Delta
4	West Hubbard Creek	CPW	Delta
4	West Muddy Creek	BLM	Gunnison
4	Uncompahgre River	CPW	Ouray
5	Rock Creek	BLM	Grand
6	Bear Creek	CPW	Garfield
6	Big Fish Creek	CPW	Garfield
6	Deep Creek	BLM	Routt
6	East Marvine Creek	CPW	Rio Blanco
6	Hauskins Creek	CPW	Garfield
6	Hill Creek	CPW	Rio Blanco
6	Lynx Creek	CPW	Garfield
6	Milk Creek	BLM	Moffat
6	Mirror Creek	CPW	Rio Blanco
6	Paradise Creek	CPW	Garfield, Rio Blanco
6	Piceance Creek	BLM	Garfield, Rio Blanco
6	Piceance Creek	BLM	Rio Blanco
6	Picket Pin Creek	CPW	Garfield
6	South Fork White River	CPW	Rio Blanco

2023 NEW RECOMMENDATIONS



CONTACT US

kara.scheel@state.co.us
cwcw.colorado.gov/



KATIE BIRCH

Colorado Parks and Wildlife



JULIE NANIA

High Country Conservation Advocates



ROY SMITH

Bureau of Land Management