

CWCB INSTREAM FLOW WORKSHOP

February, 8 2024



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

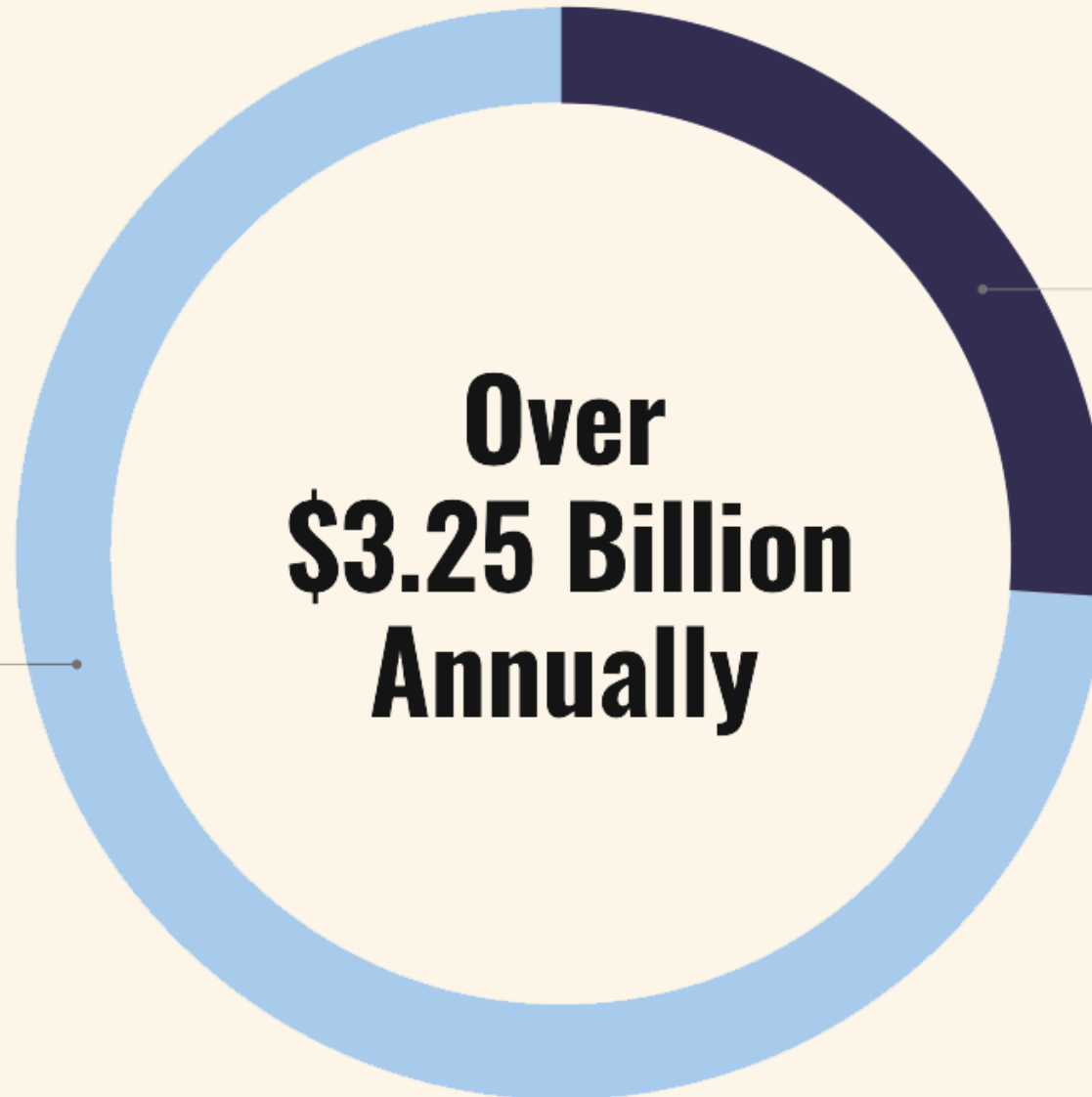
ISF 50th Anniversary & Video



<https://cwcb.colorado.gov>



Anglers Bring \$ to Colorado



\$2.445 Billion
Anglers



\$843 Million
Hunters



**COLORADO
WILDLIFE COUNCIL**



Instream Flow Appropriations (60min)

ISF Appropriations Process &
New Recommendations

Instream Flow Acquisitions (30 min)

Overview & Request for water

Question & Answer (10 min)



ISF Workshop Agenda

BRANDY LOGAN

New Appropriations
Water Resource Specialist

KAYLEA WHITE

Legal Protection/Acquisitions
Senior Water Resource Specialist

MARIELLE SIDELL

New Appropriations
Hydrologist

COLIN WATSON

Legal Protection
Engineer

ROB VIEHL
Section Chief

LAURA CORONA

New Appropriations
Hydrographer

PETE CONOVITZ

Acquisitions
Water Resource Specialist

SADE CROMRATIE CLEMONS

New Appropriations
DNR Contractor

KIM RICOTTA

Legal Protection
Paralegal



Instream Flow Team

Instream Flows (ISF) & Natural Lake Levels (NLL)



What Are They?

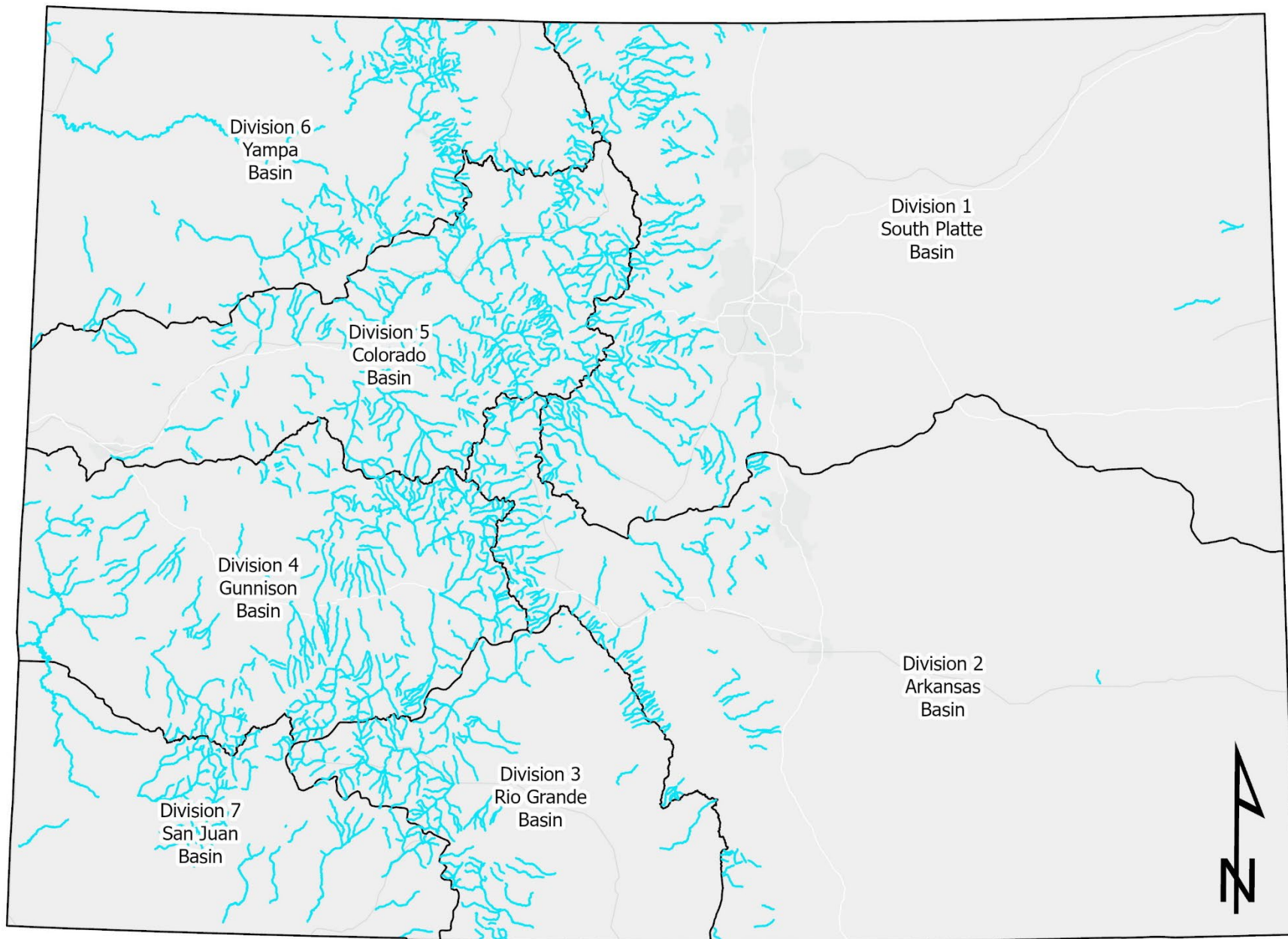
Familiar Features

- Defined Amount & Time
- Administered within the State's **Prior Appropriation System**
- Recognized beneficial use

Unique Features

- **Non-consumptive** minimum flows
- **Stream reach** or in a **natural lake**
- Beneficial use: **preserve natural environment**

Water Rights held for Citizens of Colorado by CWCB



1,700+ Instream Flow & Natural Lake Level Water Rights

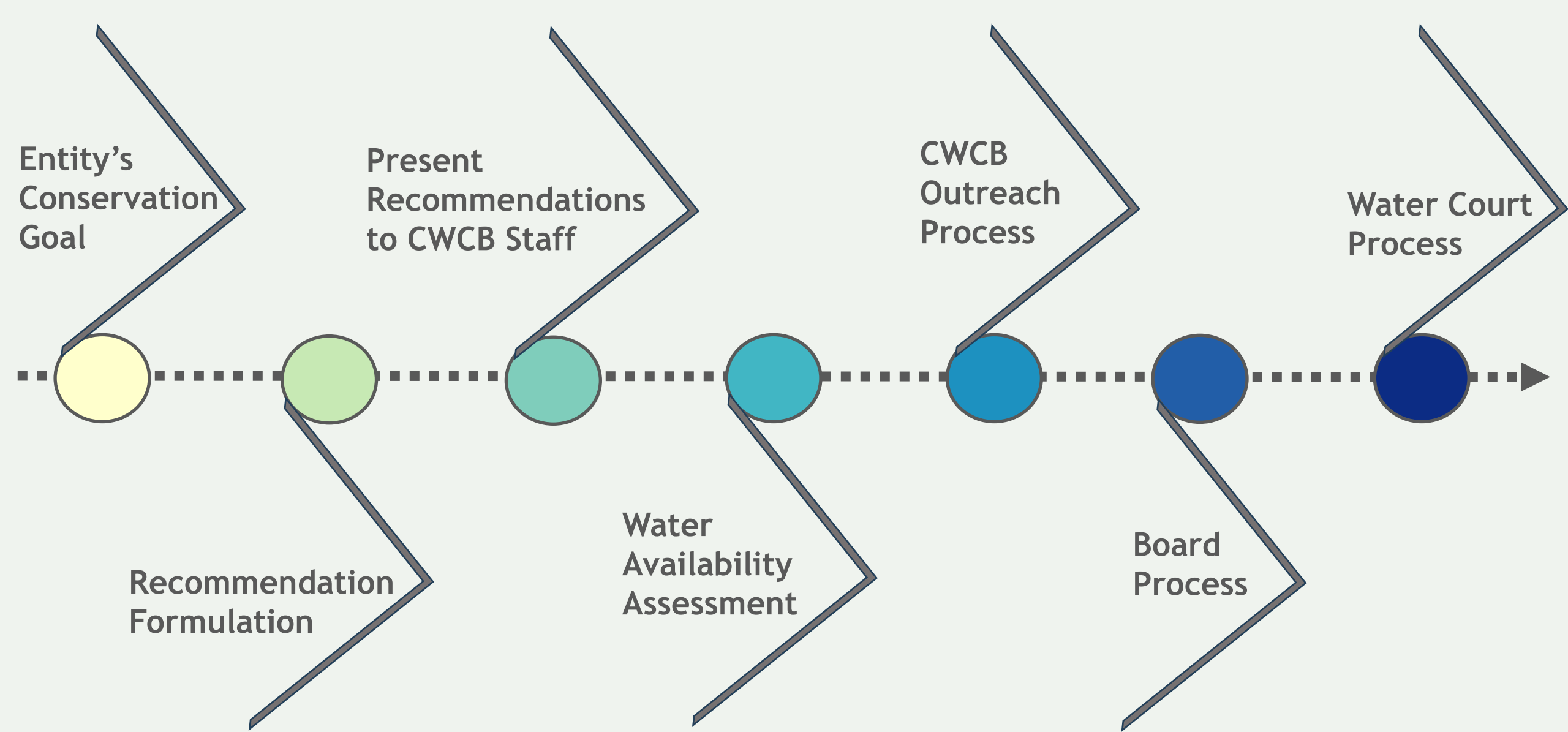
Mostly
headwater catchments
on the western slope
of the state.



Where are they Located?

NEW APPROPRIATIONS PROCESS





ISF New Appropriation Process

Entity's Conservation Goal

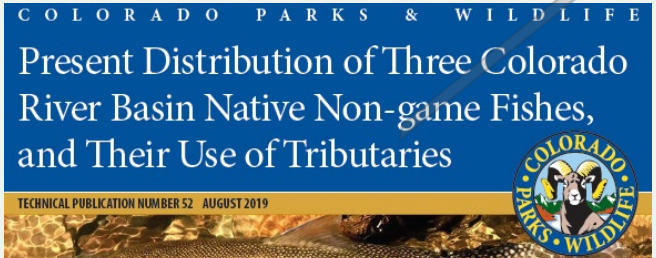
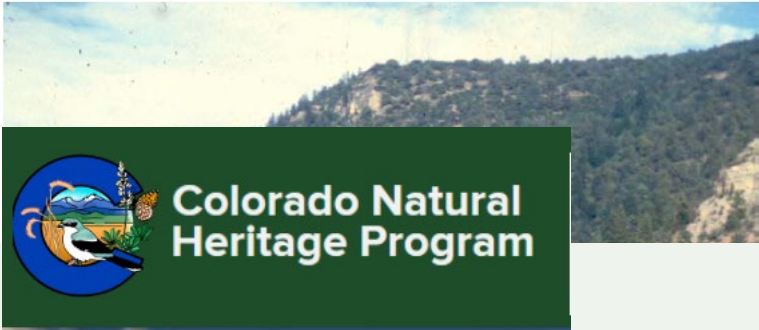


Native Cutthroat Trout



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

Boreal Toads



ISF New Appropriation Process

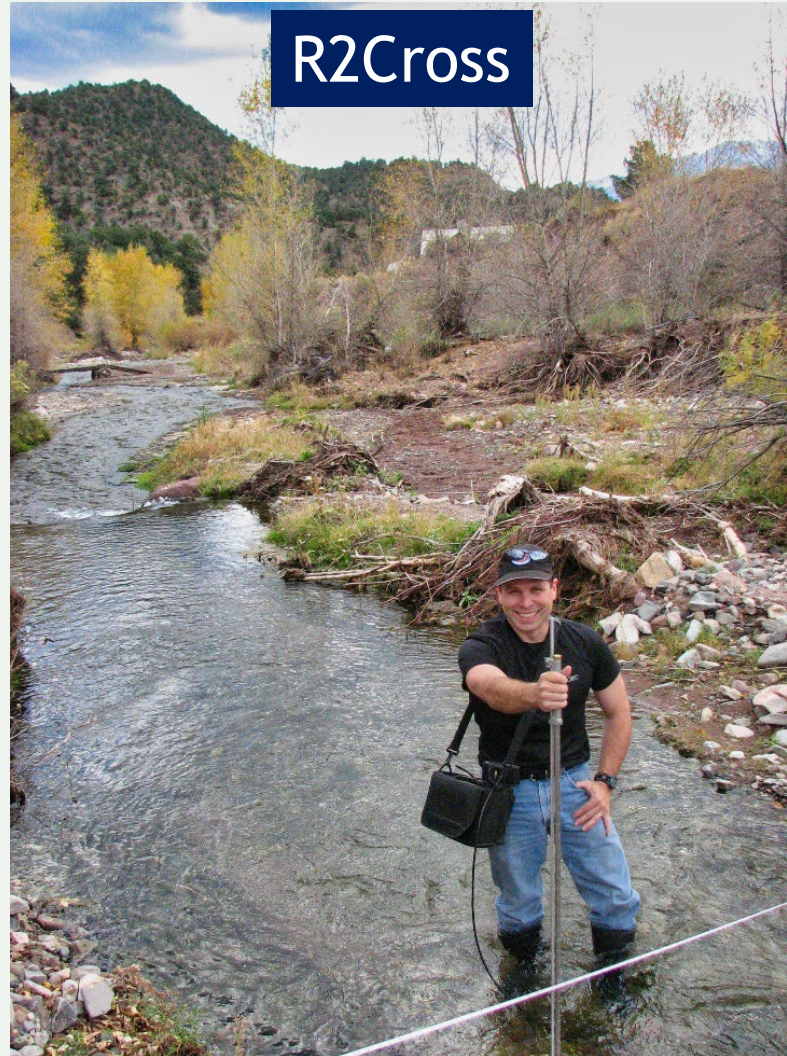
Recommendation Formulation

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

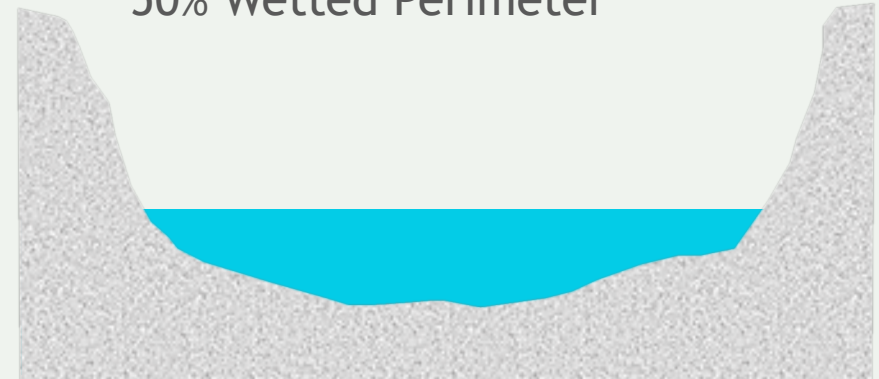


Recommendation Formulation

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



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



ISF New Appropriation Process

Present Recommendations to CWCB Staff



At Annual ISF Workshop

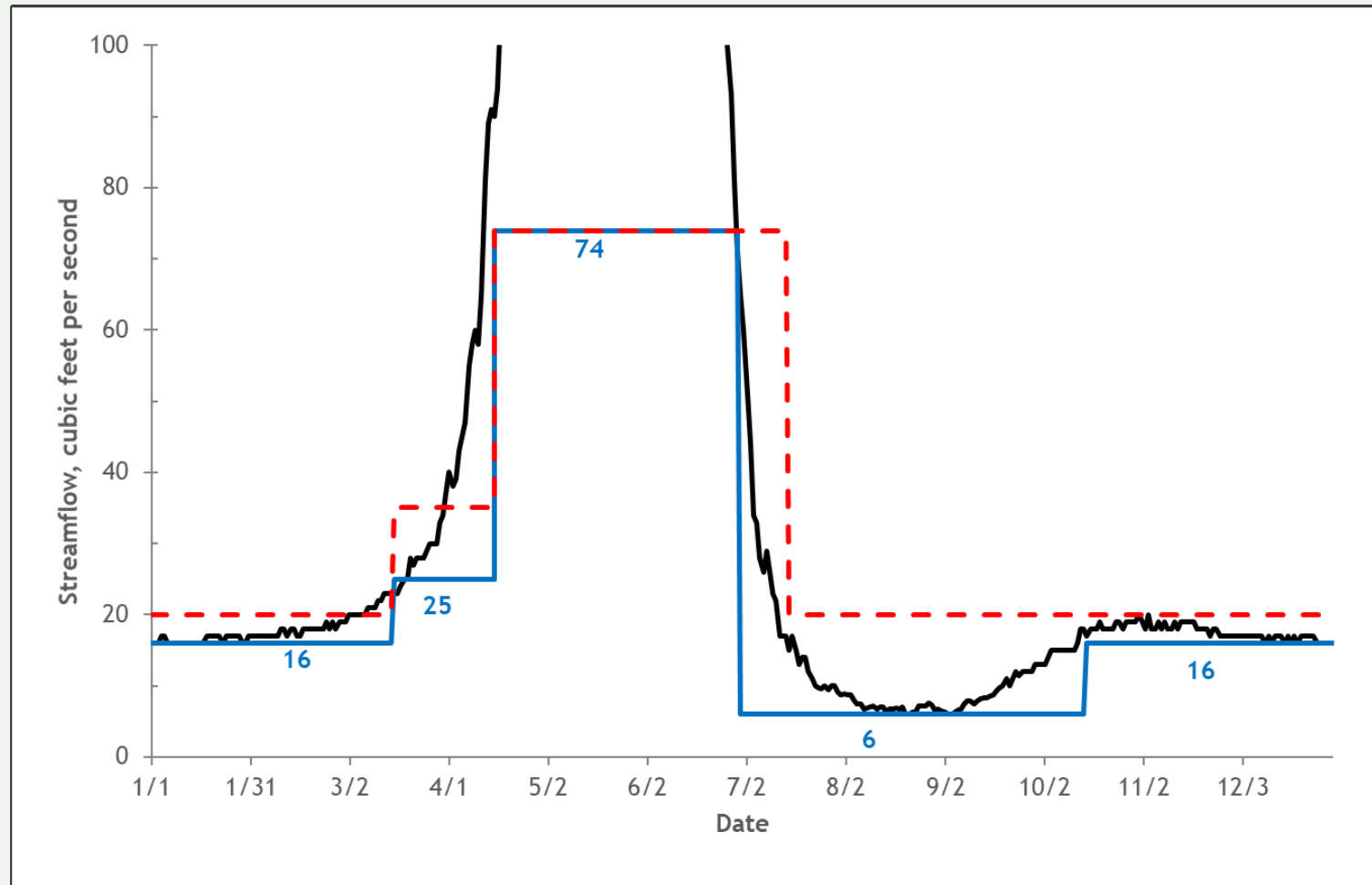


ISF New Appropriation Process

Water Availability Assessment

Data driven approach:

- Streamgauge analysis
- Temporary streamgauge
- Statistical model
- Diversion record
- Additional information



ISF New Appropriation Process

CWCB Outreach Process



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



CWCB Public Notice of Recommended 2023 Instream Flow Appropriations in Water Divisions 1, 4, 5, & 6

rob.viehl@state.co.us
to me

Tue, Nov 15, 2022, 1:09 PM



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
<https://cwcb.colorado.gov/>

Pursuant to ISF Rule 5c. of the Rules Concerning the Colorado Instream Flow and Natural notice identifies the streams and lake to be considered for instream flow (ISF) and natural appropriations in 2023. At the January or March meeting of the Colorado Water Conservation Board, the Board will request that the Board form its intent to appropriate ISF and NLL water rights for the stream and lake listed in table 2 below.

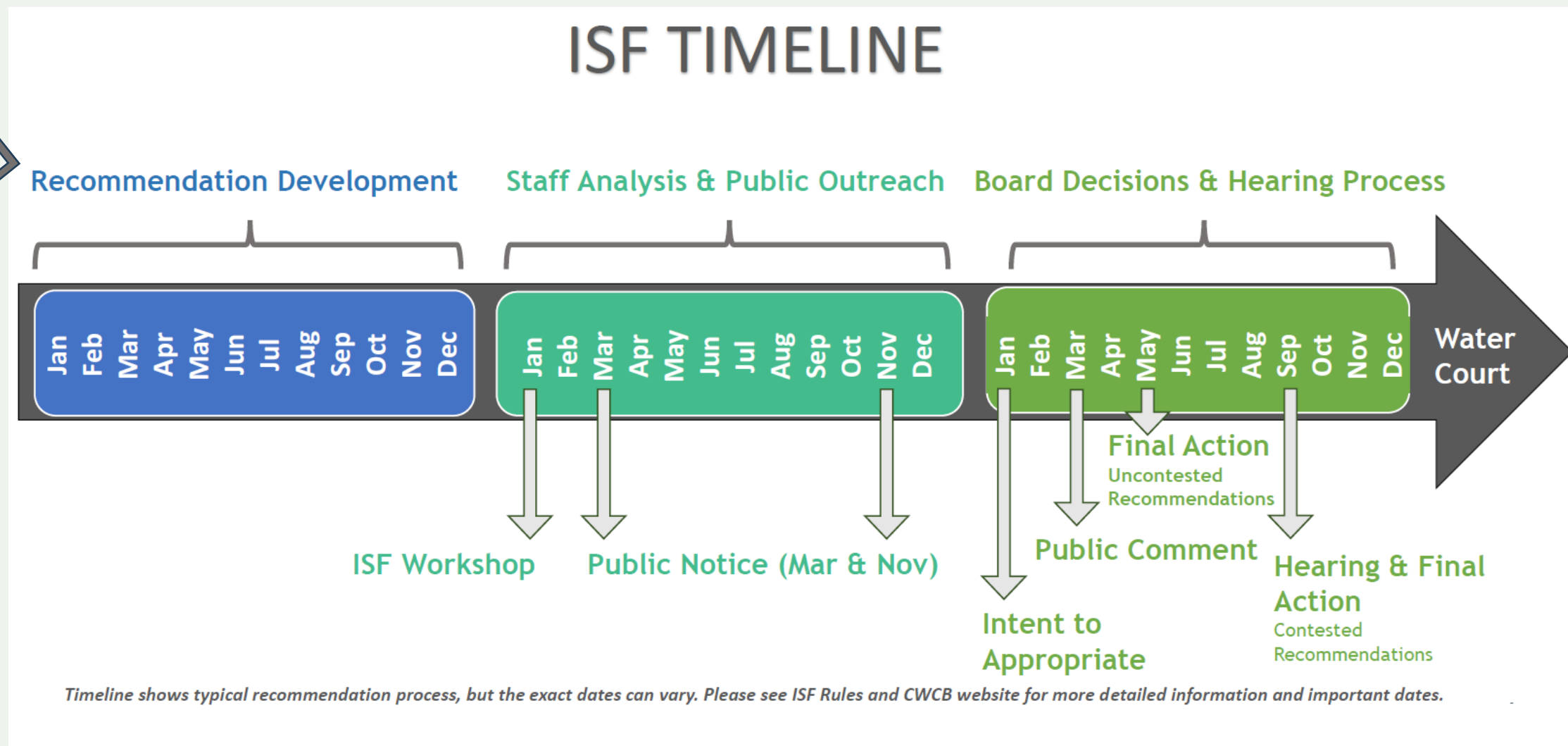
Information submitted to the CWCB is available online at:

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 rob.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

ISF New Appropriation Process



Board
Process



ISF New Appropriation Process

Water Court Process

Submit Application Before End of Calendar Year

DATE FILED: December 13, 2021 5:35 PM
 FILING ID: 93E59F28EC42F
 CASE NUMBER: 2021CW3077

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO

501 North Elizabeth Street, Suite 116
 Pueblo, CO 81003

CONCERNING THE APPLICATION FOR WATER RIGHTS OF:

COLORADO WATER CONSERVATION BOARD,

IN EAST FORK ARKANSAS RIVER, A NATURAL
 STREAM;

IN THE ARKANSAS RIVER HEADWATERS
 WATERSHED,

IN LAKE COUNTY, COLORADO

▲ COURT USE ONLY ▲

Attorneys for the Colorado Water Conservation Board:

PHILIP J. WEISER, Attorney General
 MARC D. SARMIENTO,

Case No.: 2021CW____

Div. 2



ISF New Appropriation Process

Entity's Conservation Goal

Present Recommendations to CWCB Staff

Annual ISF Workshop

CWCB Outreach Process

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

Water Court Process

Submit application before
end of calendar year

Recommendation Formulation

- Identification of the natural environment
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Water Availability Assessment

Data Driven approach:

- Streamgauge analysis
- Temporary streamgages
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Board Process



ISF New Appropriation Process



Ongoing ISF Recommendations

Division 1

East Roaring Fork, Larimer County, CPW

Garber Creek, Douglas County, CPW

Platte Gulch, Park County CPW & Park County

West Plum Creek, Douglas County, CPW

Division 2

Cottonwood Creek, Custer County, CPW

Cottonwood Creek, Fremont County, BLM

East Gulch, Fremont County, BLM

Division 4

Beaver Dams Creek, Ouray County, CPW

Cunningham Creek, Delta County, CPW

East Fork Dry Creek, Montrose & Ouray Counties, CPW

East Muddy Creek, Gunnison County, BLM

Goat Creek, San Miguel County, BLM

Main Hubbard Creek, Delta County, CPW

Middle Hubbard Creek, Delta County, CPW

Pine Creek, CPW, Gunnison County, CPW

Sink Creek, Delta County, CPW

Steuben Creek (*Increase*), Gunnison, CPW

Uncompaghre River, Ouray County, CPW

Unnamed Tributary to East Fork Dry Creek, Montrose & Ouray Counties, CPW

West Hubbard Creek, Delta County, CPW

West Muddy Creek, Gunnison County, BLM

Division 5

Coon Creek, Mesa County, BLM

Derby Creek (*Increase*), Eagle County, BLM

Division 6

Bear Creek, Garfield County, CPW

Big Fish Creek, Garfield County, DPW

Clear Creek, Moffat County, BLM

East Marvine Creek, Rio Blanco County, CPW

Hauskins Creek, Garfield County, CPW

Hill Creek, Rio Blanco County, CPW

Lynx Creek, Garfield County, CPW

Milk Creek, Moffat County, BLM

Mirror Creek, Rio Blanco County, CPW

Pagoda Creek, Rio Blanco County, BLM

Paradise Creek, Garfield and Rio Blanco Counties, CPW

Picket Pin Creek, Garfield County, CPW

South Fork White River, Rio Blanco, CPW

Vermillion Creek, Moffat County, BLM

<https://cwcb.colorado.gov/2024-isf-recommendations>

2024 NEW RECOMMENDATIONS



KATIE BIRCH

Colorado Parks and Wildlife



ROY SMITH

Bureau of Land Management



JULIE NANIA

High Country Conservation Advocates



NICOLE GIBNEY

National Park Service

CONTACT US

laura.corona@state.co.us
cwcb.colorado.gov