

CWCB INSTREAM FLOW WORKSHOP

February 5, 2025



COLORADO
Colorado Water
Conservation Board
Department of Natural Resources

Workshop Agenda



Instream Flow Appropriations (45min)

- Appropriations Program Overview & Process
 - Recommenders and Recommendations

Instream Flow Acquisitions (30 min)

- Acquisitions Program Overview
- Request for Water Colorado Water Trust

Question & Answer (10 min)





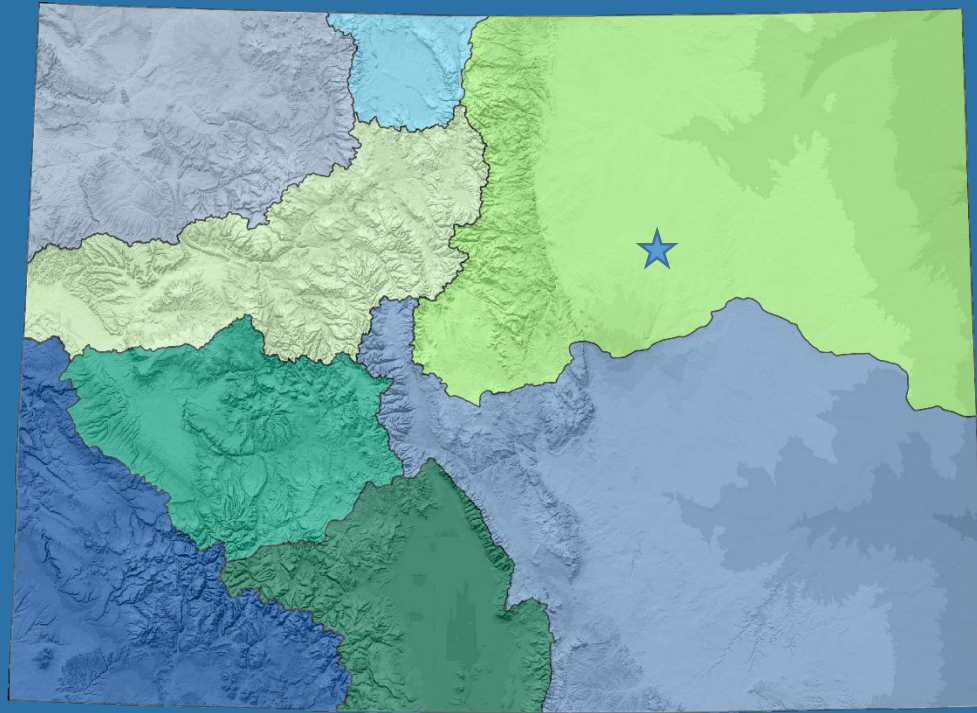
Colorado Water Conservation Board

To promote the protection, conservation, and development of Colorado's water resources for present and future generations

Provides policy direction on water issues

- Administration and Operations
- Finance
- Grants
- Interstate, Federal & Water Information
- Stream and Lake Protection
- Water Supply Planning
- Watershed & Flood Protection

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Lauren Ris, CWCB Director

Phil Weiser, AG

Jason Ullman, State Engineer

Jeff Davis, CPW Director

Kate Greenberg, Dept. of Ag Director



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Jaclyn Brown

YAMPA/WHITE RIVERS

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CWCB Board

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



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**

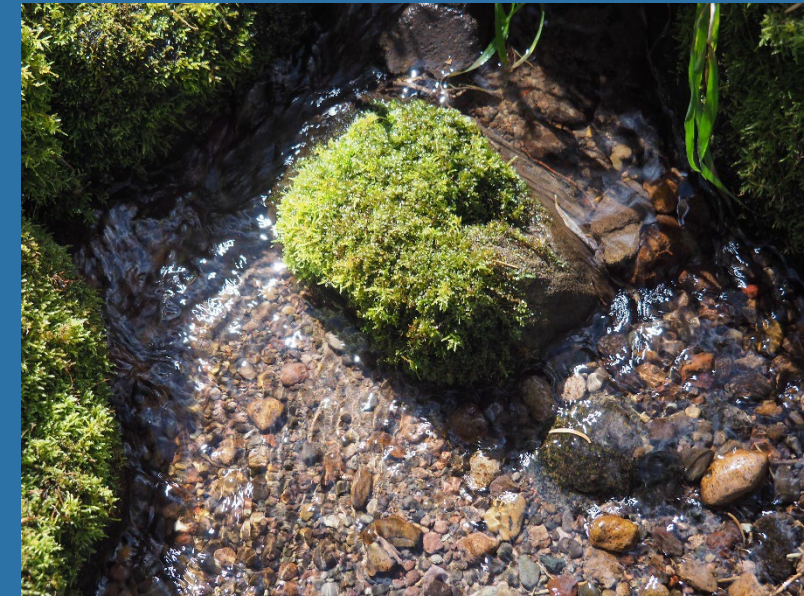
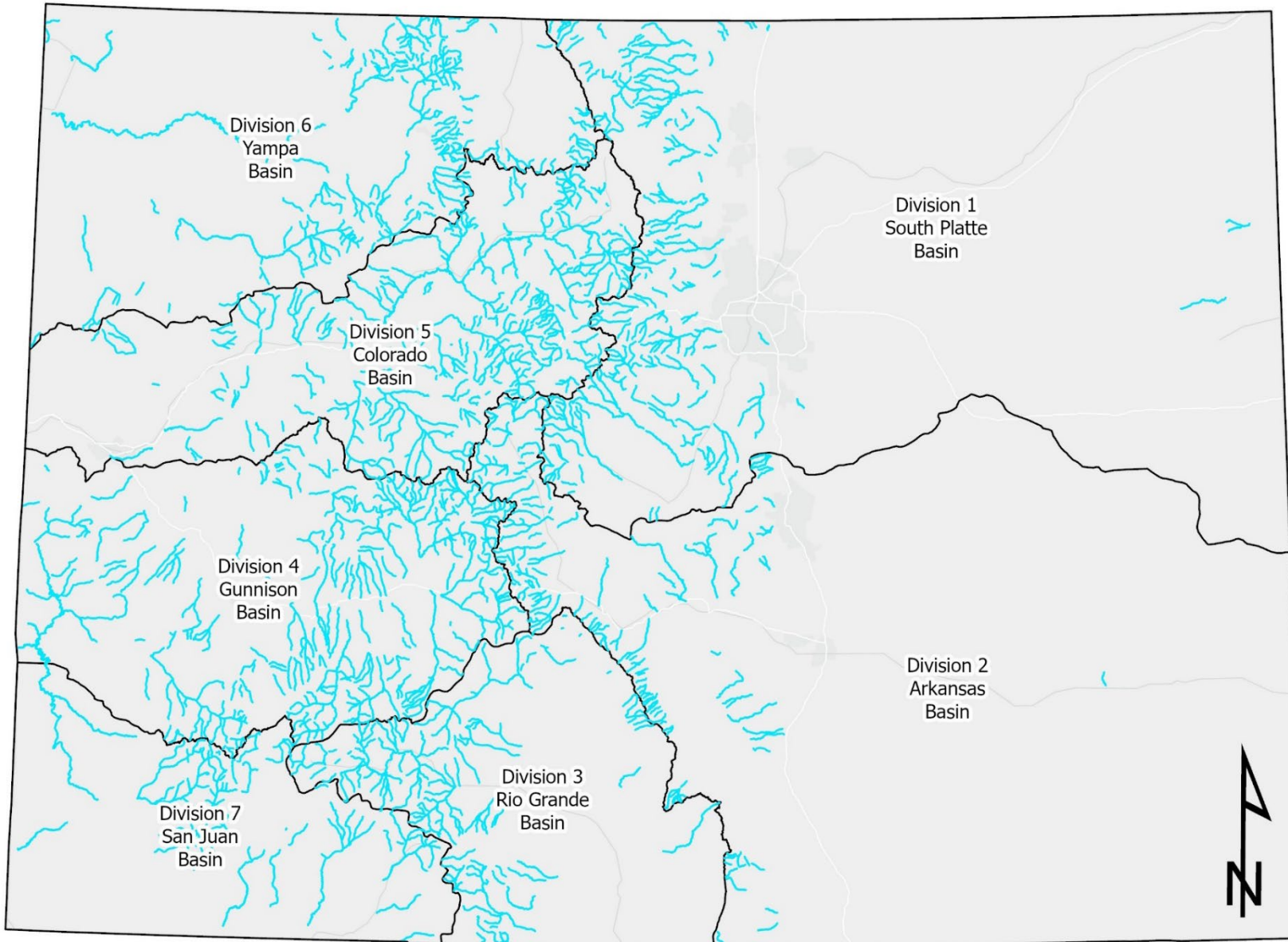


Instream Flows (ISF) & Natural Lake Levels (NLL) What Are They?



Water Rights Held for
Citizens of Colorado
by CWCBC

Where are they Located?



1,700+ Instream Flow
Water Rights
Covering over 9,900
Miles



ISF Team

KAYLEA WHITE

Legal Protection/Acquisitions
Senior Water Resource Specialist

MARIELLE SIDELL

New Appropriations
Hydrologist

COLIN WATSON

Legal Protection
Engineer

BRANDY LOGAN

New Appropriations
Water Resource Specialist

ROB VIEHL

Section Chief

LISA BRIGHT-UNGER

Acquisitions
Water Resource Specialist

KIM RICOTTA

Legal Protection
Paralegal

LAURA CORONA

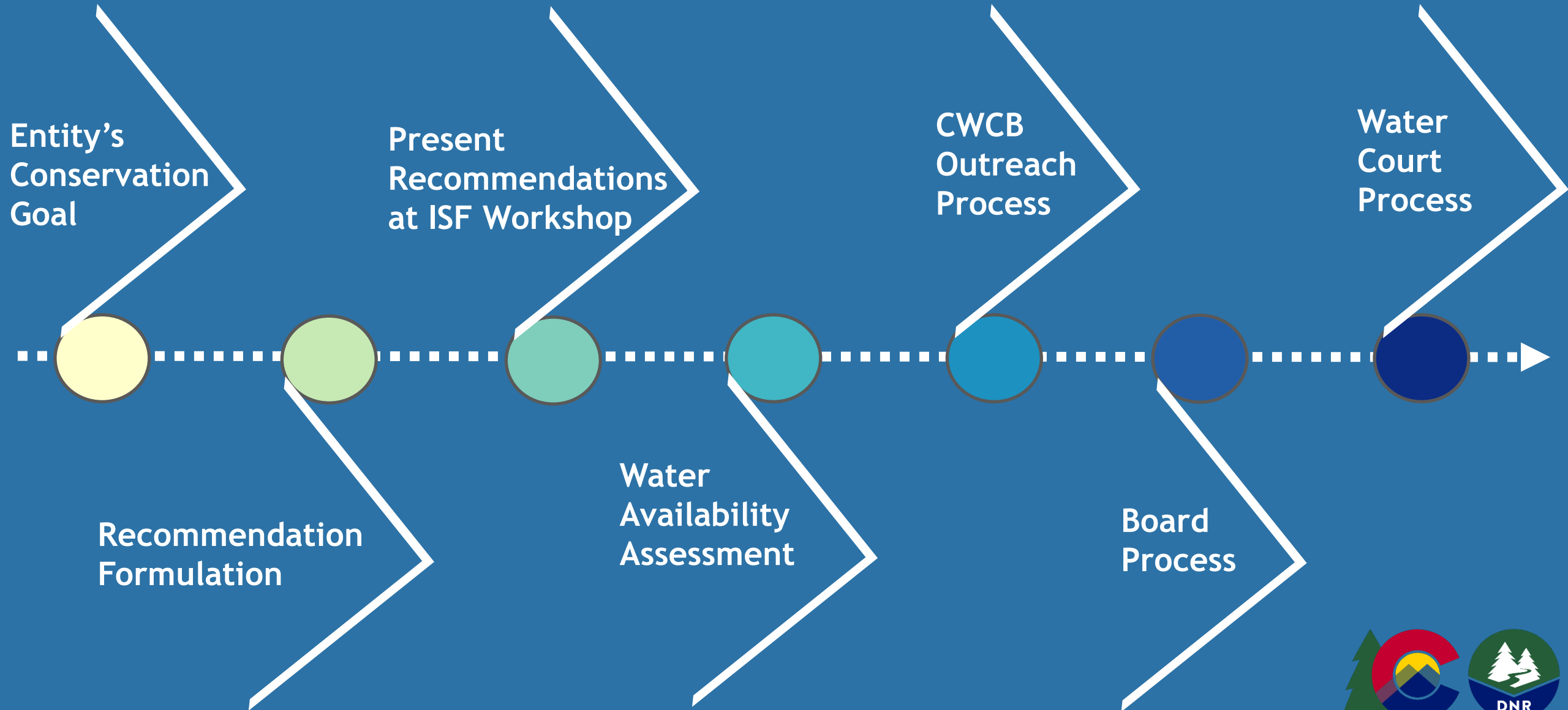
New Appropriations
Hydrographer





NEW APPROPRIATIONS PROCESS

ISF New Appropriation Process



Recommending Entity's Conservation Goal



Native Cutthroat Trout



COLORADO PARKS & WILDLIFE
Present Distribution of Three Colorado
River Basin Native Non-game Fishes,
and Their Use of Tributaries

TECHNICAL PUBLICATION NUMBER 52 AUGUST 2019

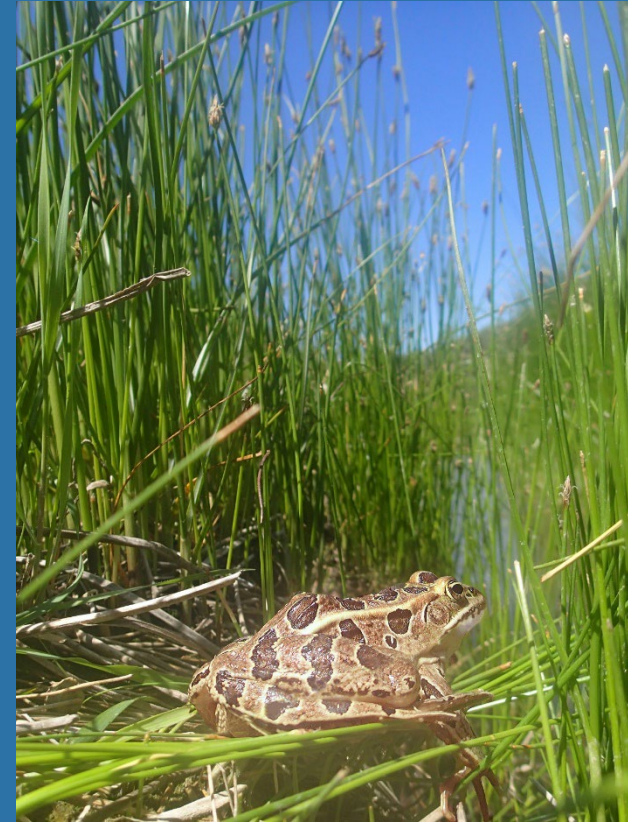


Boreal Toads



Recommendation Formulation

- Identification of the natural environment



Recommendation Formulation

- Determine site specific minimum flow needs



Recommendation Formulation

- Determine site specific minimum flow needs

R2Cross

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



Present Recommendations to CWCB Staff

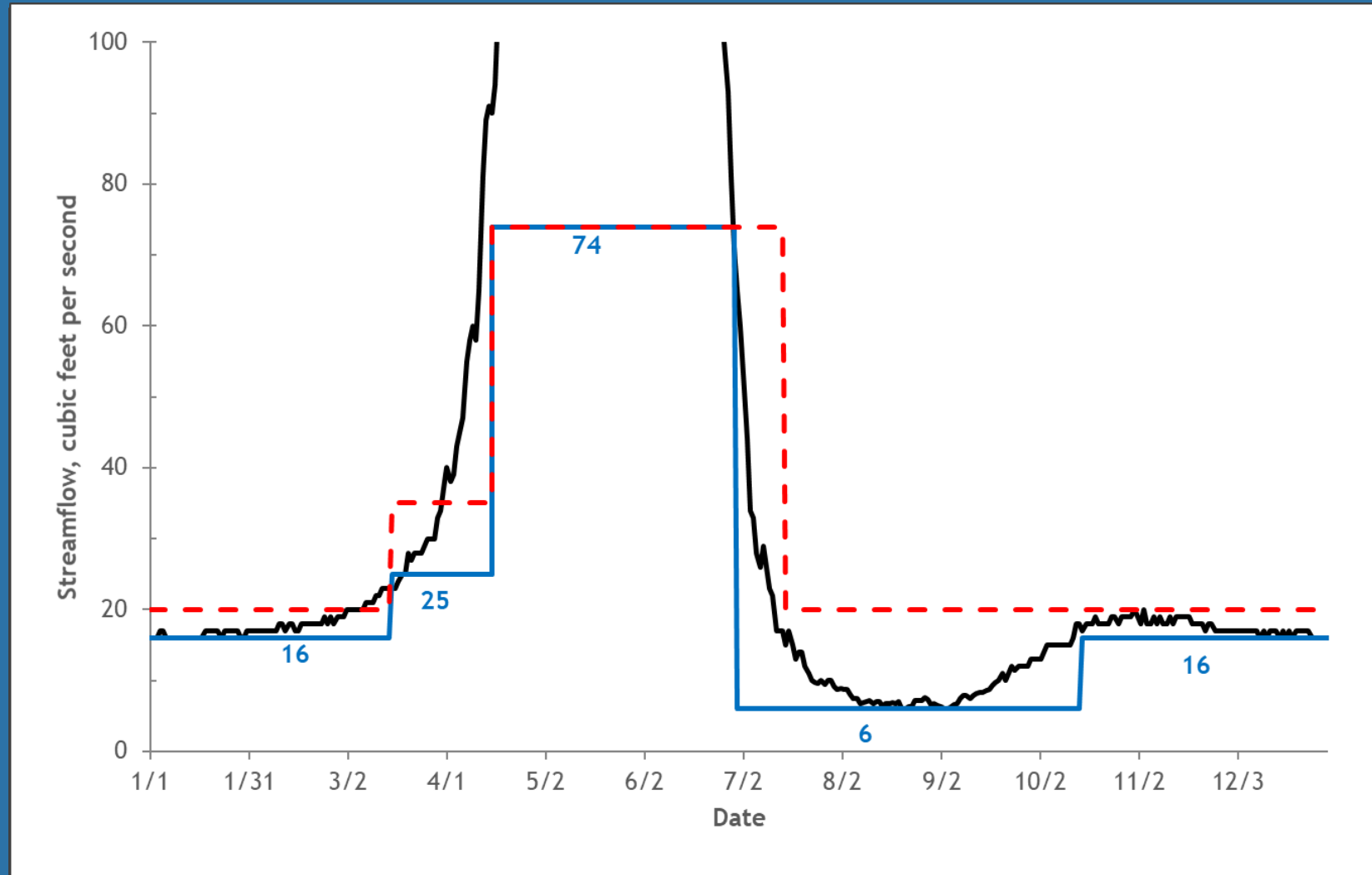
At Annual ISF Workshop



Water Availability Assessment

Data driven approach:

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



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 ➤

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



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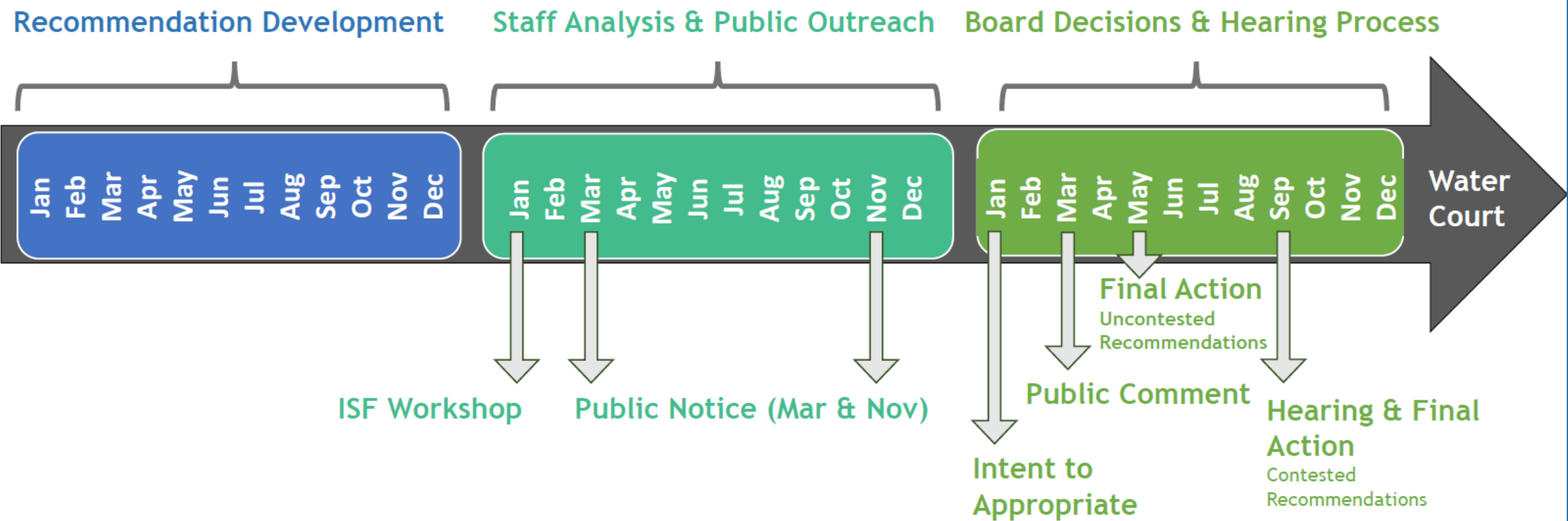
1313 Sherman Street, Room 718, Denver, Colorado 80203
Phone: (303) 866-3441 * Fax: (303) 866-4474
<https://cwcb.colorado.gov/>

of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, this eams and lake to be considered for instream flow (ISF) and natural lake level (NLL) At the January or March meeting of the Colorado Water Conservation Board (CWCB), staff may form its intent to appropriate ISF and NLL water rights for the streams listed in table 1, and the low.

o the CWCB is available online at:



ISF TIMELINE



Timeline shows typical recommendation process, but the exact dates can vary. Please see ISF Rules and CWCB website for more detailed information and important dates.



Water Court Process

DISTRICT COURT, WATER DIVISION NO. 2, COLORADO		DATE FILED: December 13, 2021 5:35 PM FILING ID: 93E59F28EC42F CASE NUMBER: 2021CW3077
501 North Elizabeth Street, Suite 116 Pueblo, CO 81003		▲ COURT USE ONLY ▲
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		
Attorneys for the Colorado Water Conservation Board: PHILIP J. WEISER, Attorney General MARC D. SARMIENTO,		



Submit Application Before End of Calendar Year



Ongoing ISF Recommendations Division 1

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
East Roaring Fork Creek	headwaters	confl. Roaring Creek	CPW	Larimer
Garber Creek	confl. N&S Garber Creeks	confl. West Plum Creek	CPW	Douglas
Platte Gulch	headwaters	confl. Middle Fork South Platte	CPW and Park County	Park
West Plum Creek	headwaters	confl. East Plum Creek	CPW	Douglas

<https://cwcb.colorado.gov/2025-isf-recommendations>



Ongoing ISF Recommendations Division 2

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
Cottonwood Creek	headwaters	F. Keuhn Ditch No. 2 headgate	CPW	Custer
Cottonwood Creek	confl. Salt Creek	Giem Ditch headgate	BLM	Fremont
East Gulch	confl. Antelope Gulch	confl. Arkansas River	BLM	Fremont

<https://cwcb.colorado.gov/2025-isf-recommendations>



Ongoing ISF Recommendations

Division 4

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
Pine Creek	headwaters	confl. Morrow Point Reservoir	CPW	Gunnison

Division 5

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
Deep Creek	Outlet of Deep Lake	BLM Property Boundary	American Rivers & Eagle River Coalition	Garfield, Eagle

<https://cwcb.colorado.gov/2025-isf-recommendations>



Ongoing ISF Recommendations Division 6

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
Bear Creek	headwaters	confl. NF White River	CPW	Garfield
Big Fish Creek	headwaters	confl. NF White River	CPW	Garfield
East Marvine Creek	headwaters	confl. Marvine Creek	CPW	Rio Blanco
Hauskins Creek	headwaters	confl. NF White River	CPW	Garfield
Hill Creek	headwaters	confl. NF White River	CPW	Rio Blanco
Lynx Creek	headwaters	confl. NF White River	CPW	Garfield
Mirror Creek	headwaters	confl. NF White River	CPW	Rio Blanco

<https://cwcb.colorado.gov/2025-isf-recommendations>



Ongoing ISF Recommendations **Division 6** cont.

Stream	Upper Terminus	Lower Terminus	Recommending Entity	County
Pagoda Creek	headwaters	confl. South Fork Williams Fork	BLM	Rio Blanco
Paradise Creek	headwaters	Paradise Ponds diversion headgate	CPW	Garfield, Rio Blanco
Picket Pin Creek	headwaters	confl. NF White River	CPW	Garfield
South Fork White River	Flat Tops Wilderness Boundary	confl. Swede Creek	CPW	Rio Blanco
West Willow Creek	headwaters	confl. Willow Creek	BLM	Routt

<https://cwcb.colorado.gov/2025-isf-recommendations>



2026 NEW RECOMMENDATIONS

CONTACT US

rob.viehl@state.co.us

www.cwcb.colorado.gov

