

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

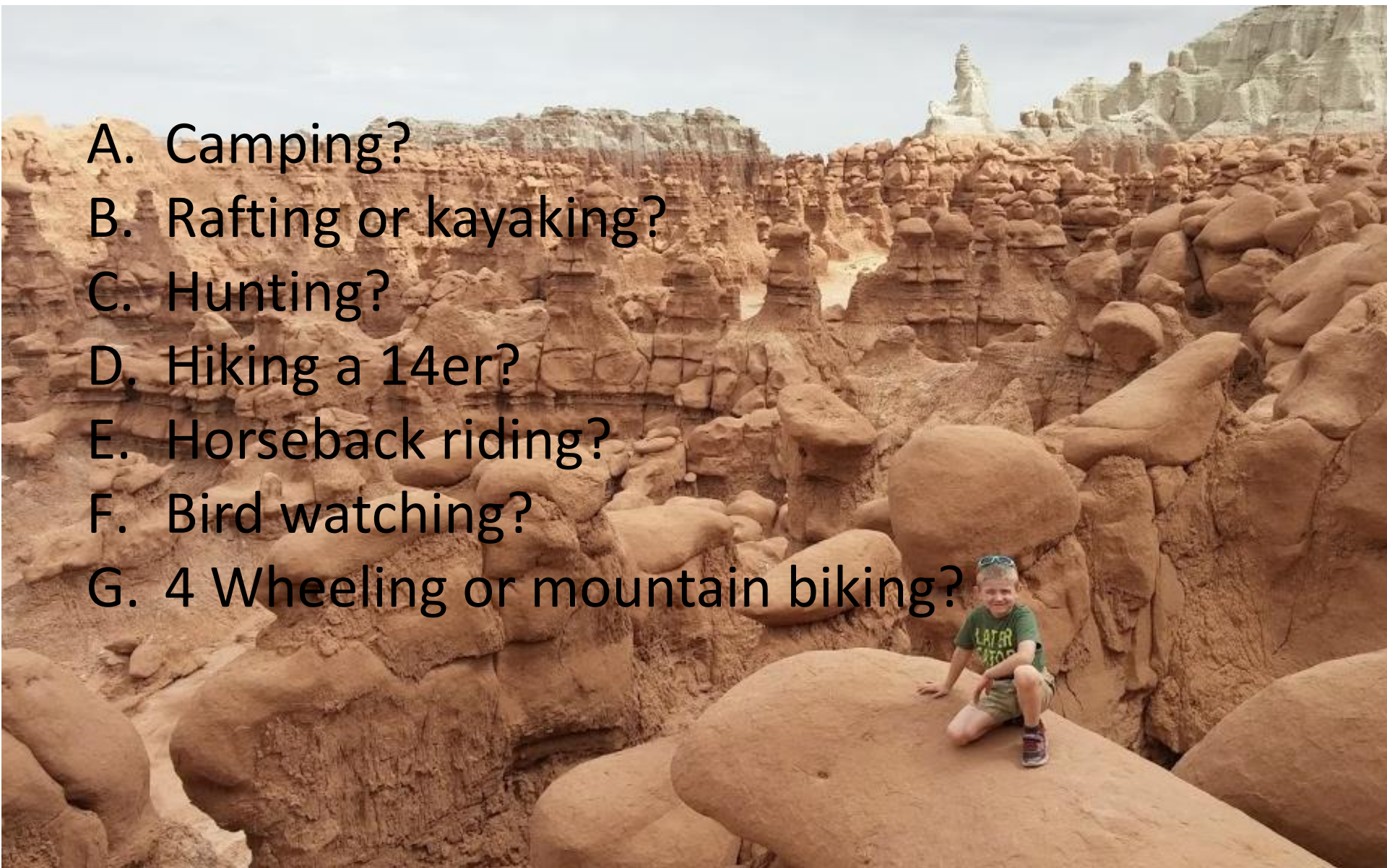
(~3:45 pm to ~4:00 pm)

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

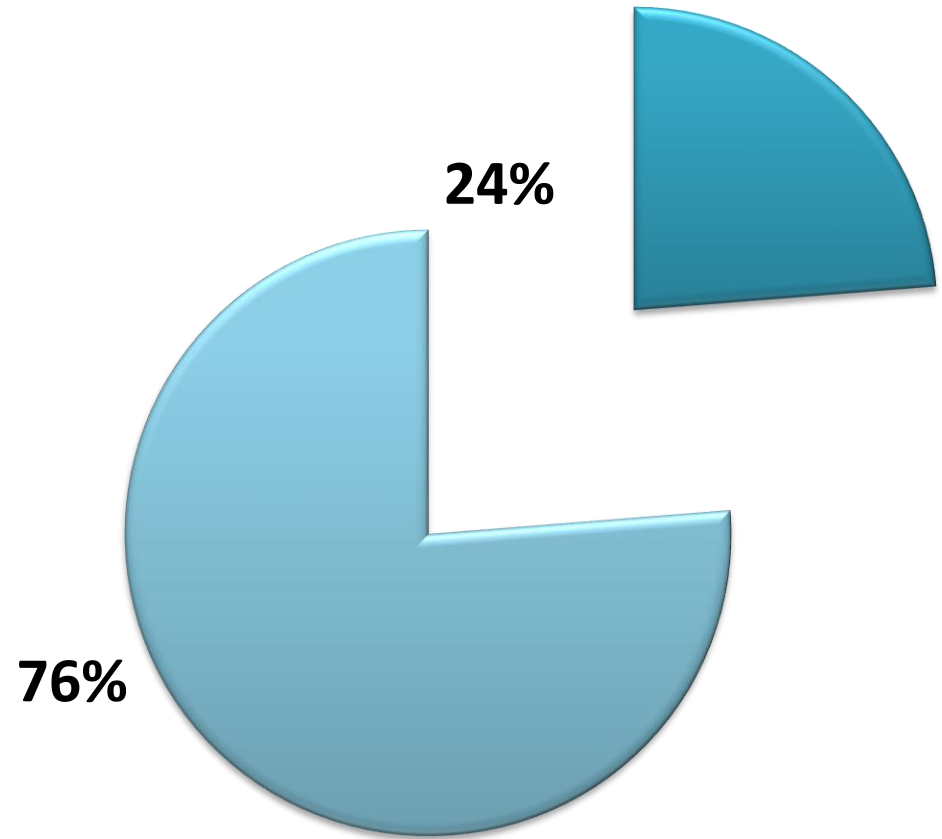
INSTREAM FLOWS

1,610 stream segments

9,294 stream miles

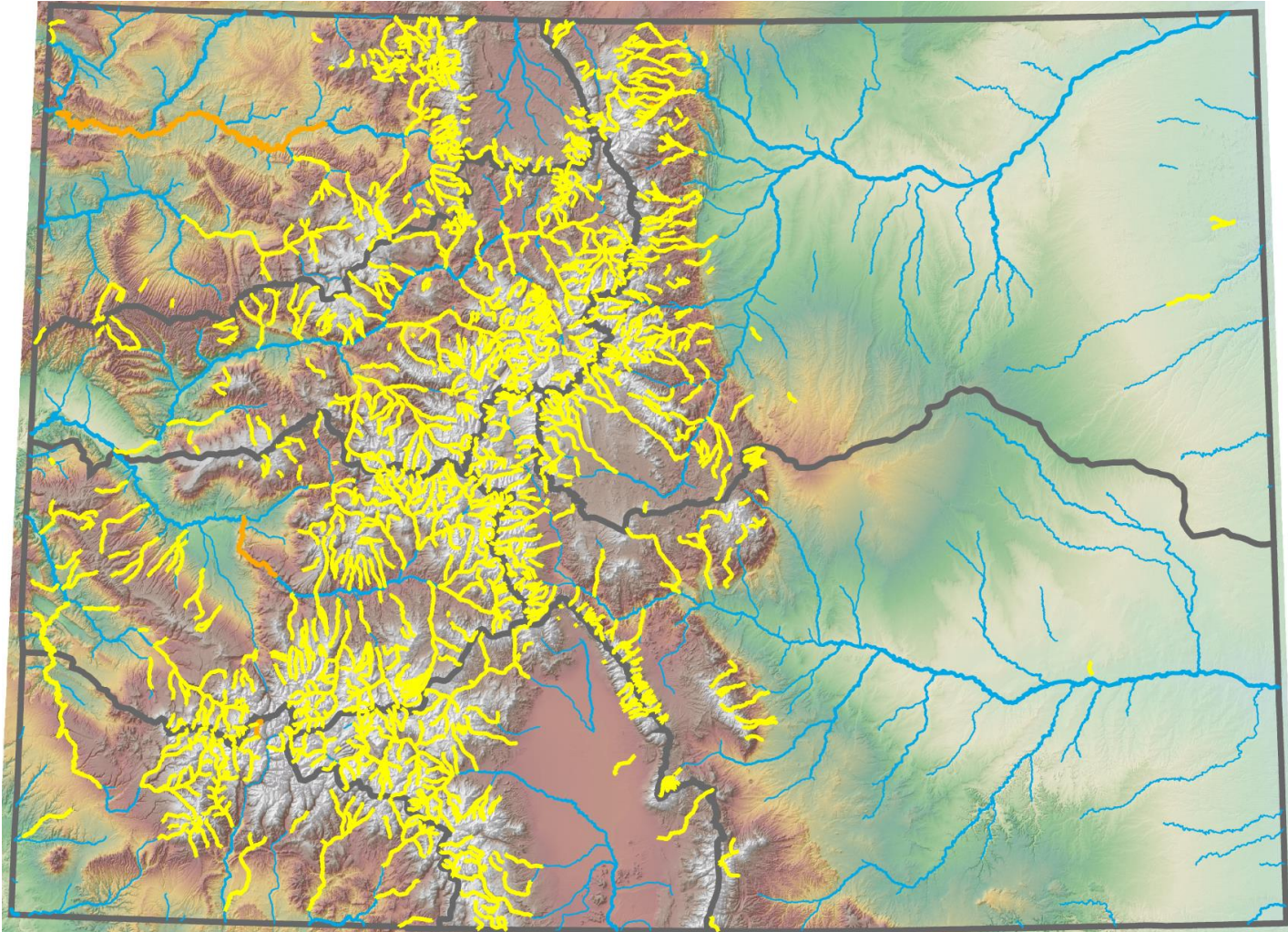
NATURAL LAKE LEVELS

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

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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



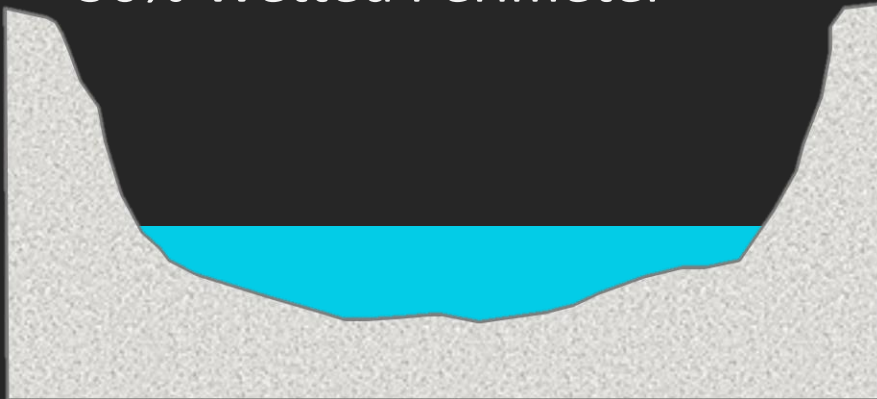
brook trout

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



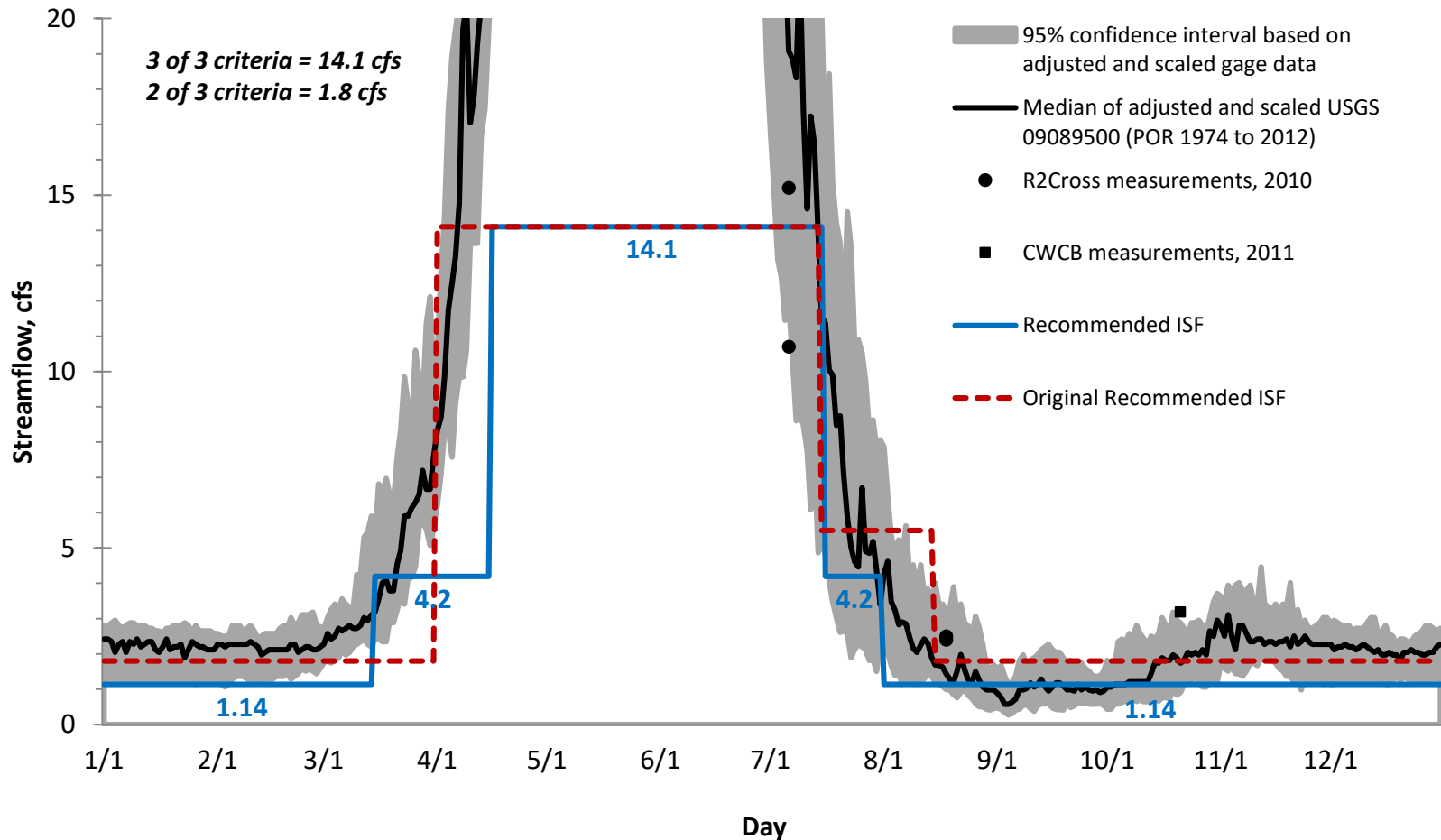
WATER AVAILABILITY

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



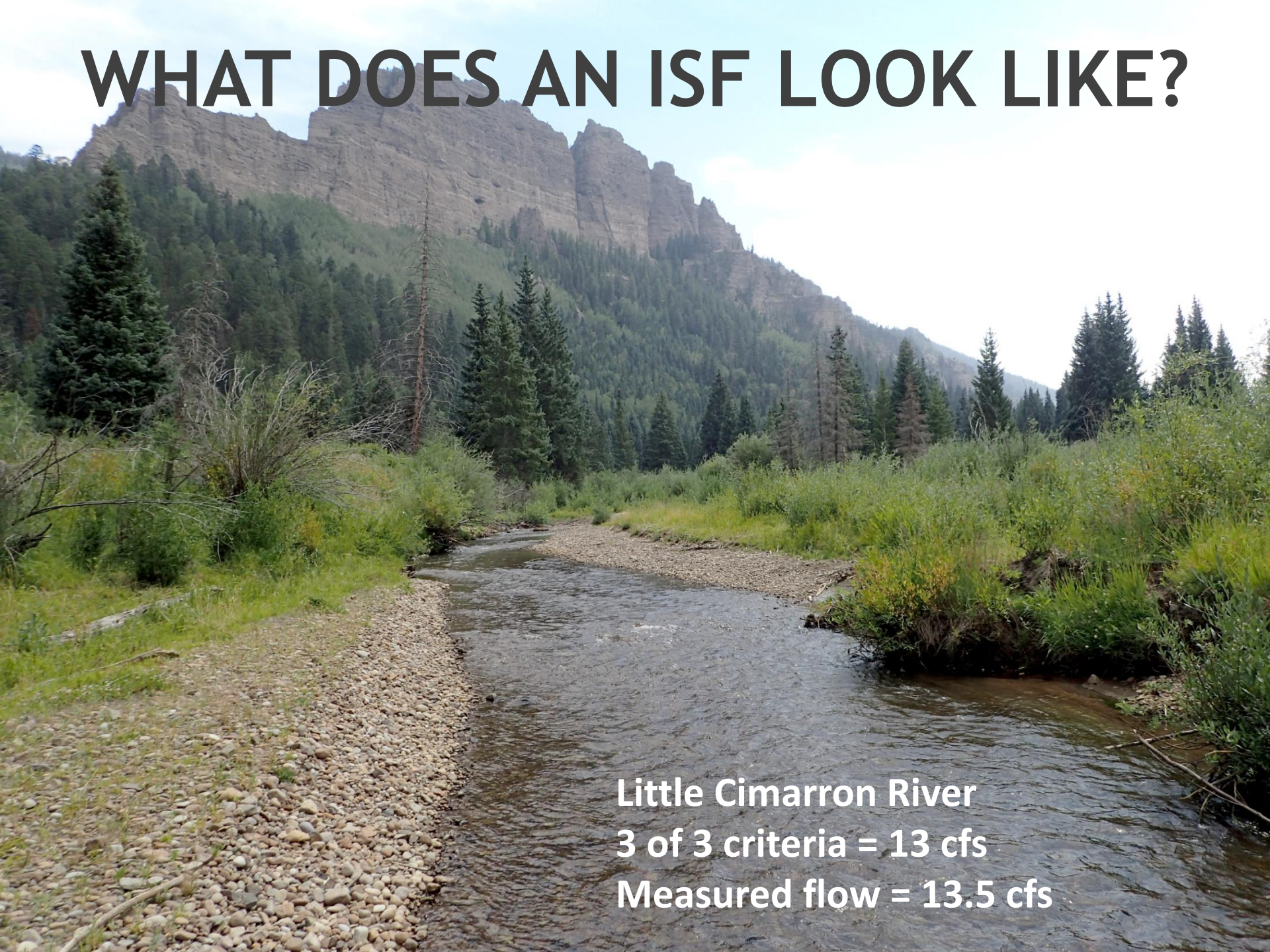
WATER AVAILABILITY

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?



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.

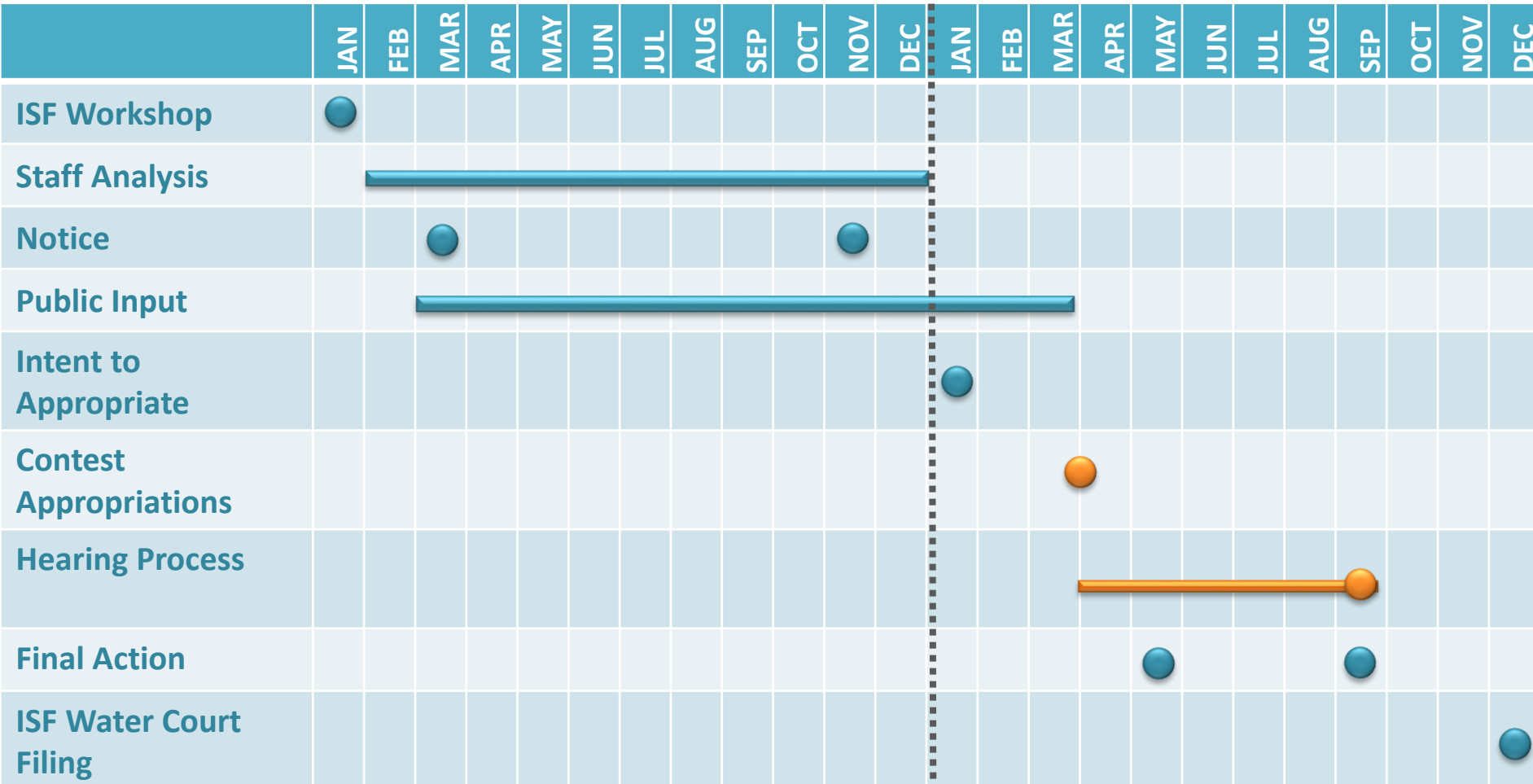
ISF APPROPRIATION TIMELINE

YEAR 1

Recommendation Processing & Public Outreach

YEAR 2

Board Action and Hearing Process



ONGOING ISF RECOMMENDATIONS

| Division | Waterbody | Counties | Watersheds | Recommender |
|----------|----------------------------------|-----------------------|--------------------|-------------|
| 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

