

2020 ISF WORKSHOP

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Colorado Water
Conservation Board
Department of Natural Resources

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ISF PROGRAM AND NEW APPROPRIATIONS PROCESS

“Sunbutter Creek” aka unnamed tributary to Bunker Creek

HOW DO YOU SPEND YOUR FREE TIME?



Hiking?
Camping?
Packrafting?
Horseback riding?
Rafting
4-wheeling?
Fishing?
???



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90% believe the outdoor recreation
economy is important to Colorado's
economy

\$28 Billion in consumer spending
~230,000 Direct jobs

<https://outdoorindustry.org/state/colorado/>



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73% of Coloradans think low levels of water in rivers is a serious problem



2019 Conservation in the West Poll

<https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2019/>



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COLORADO IN THE 1970's

- Public concern about low flows and dry streams
- No legal way to keep water in a stream or lake
- Federal bypass flows
- Threats of ballot initiatives 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.”



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WHAT DOES THE ISF PROGRAM DO?

Legal way to keep water in the natural environment



- Maintains Colorado's water right system
- Preserves the prior appropriation system
- Prevents private ISF water rights
- Creates a transparent and public process to appropriate ISFs



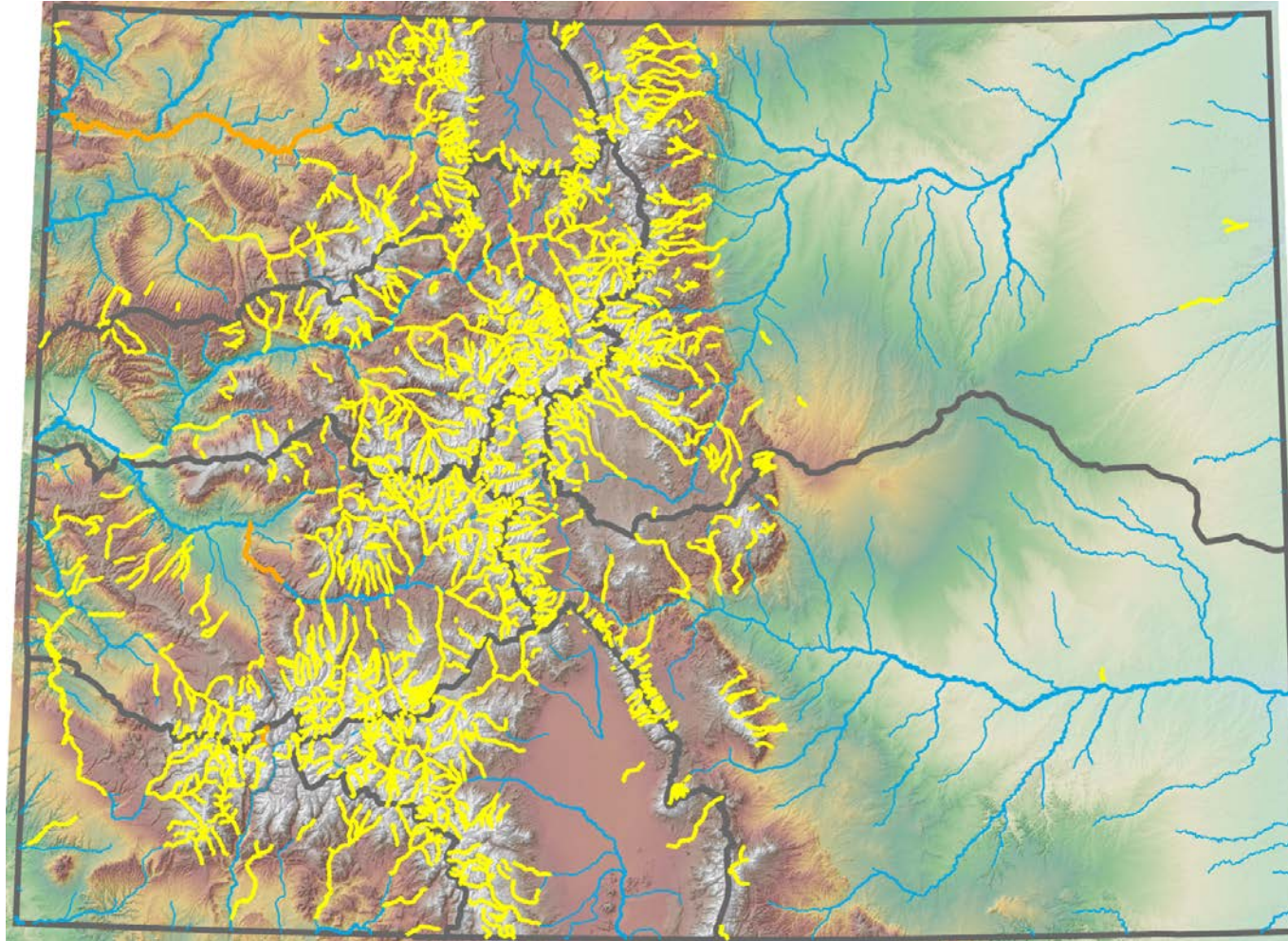
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ISF & NLL WATER RIGHTS

- Minimum flows between two points on a natural stream
- Minimum levels in natural lakes
- Administered in priority (most post 1973)
- Entitled to stream conditions existing at time of appropriation



EXISTING ISF WATER RIGHTS



Yellow lines represent streams with decreed ISF rights



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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.

Agency Issues

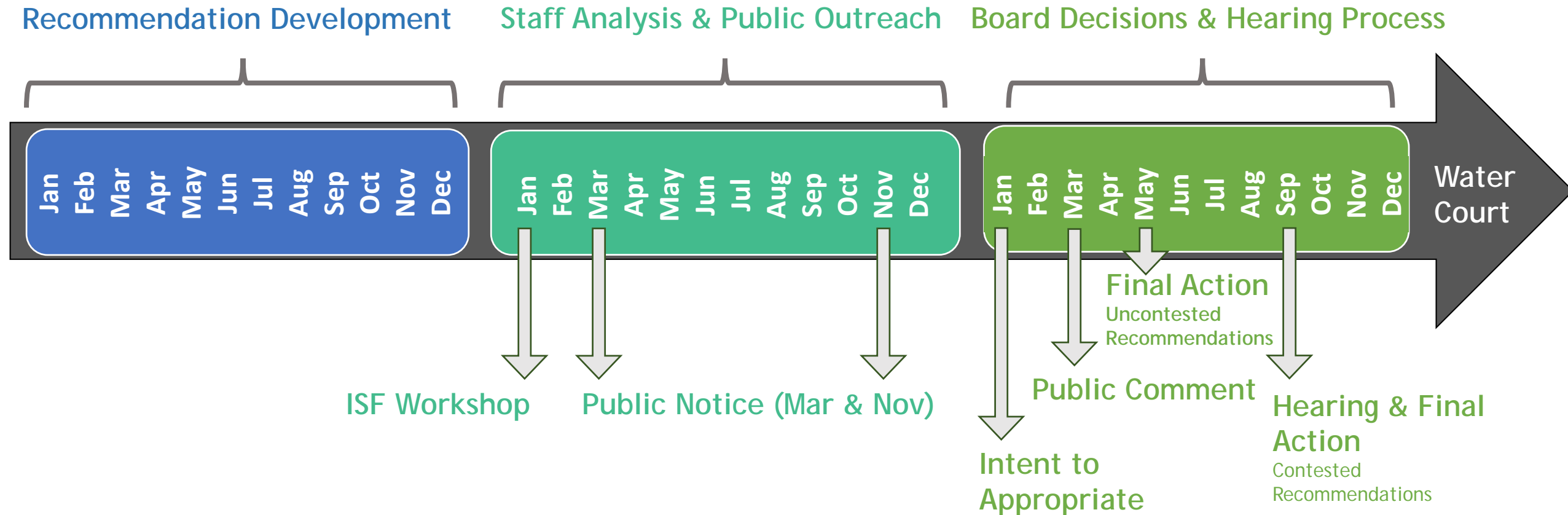
CDSS, Wild and Scenic, State Water Plan, Water Plan Grants, Stream Management Plans, etc

NEW APPROPRIATIONS

ISF Rule 5 procedure



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.



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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 a coldwater fishery
 - Other indicators can be used (warm water fishery, riparian vegetation, macroinvertebrates)
2. Water is available for appropriation
 - Determined by water right and hydrologic investigations
 - Daily median hydrology if possible
3. No material injury to other water rights will occur
 - New appropriations are junior water rights do not impact senior decreed water rights
 - 37-92-102(3) b. Recognition of existing undecreed uses and exchanges



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NATURAL ENVIROMENT



flannelmouth sucker



Colorado cutthroat trout



brook trout



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FLOW DETERMINATION

R2Cross model is used to determine what flow is needed to maintain the habitat criteria:

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



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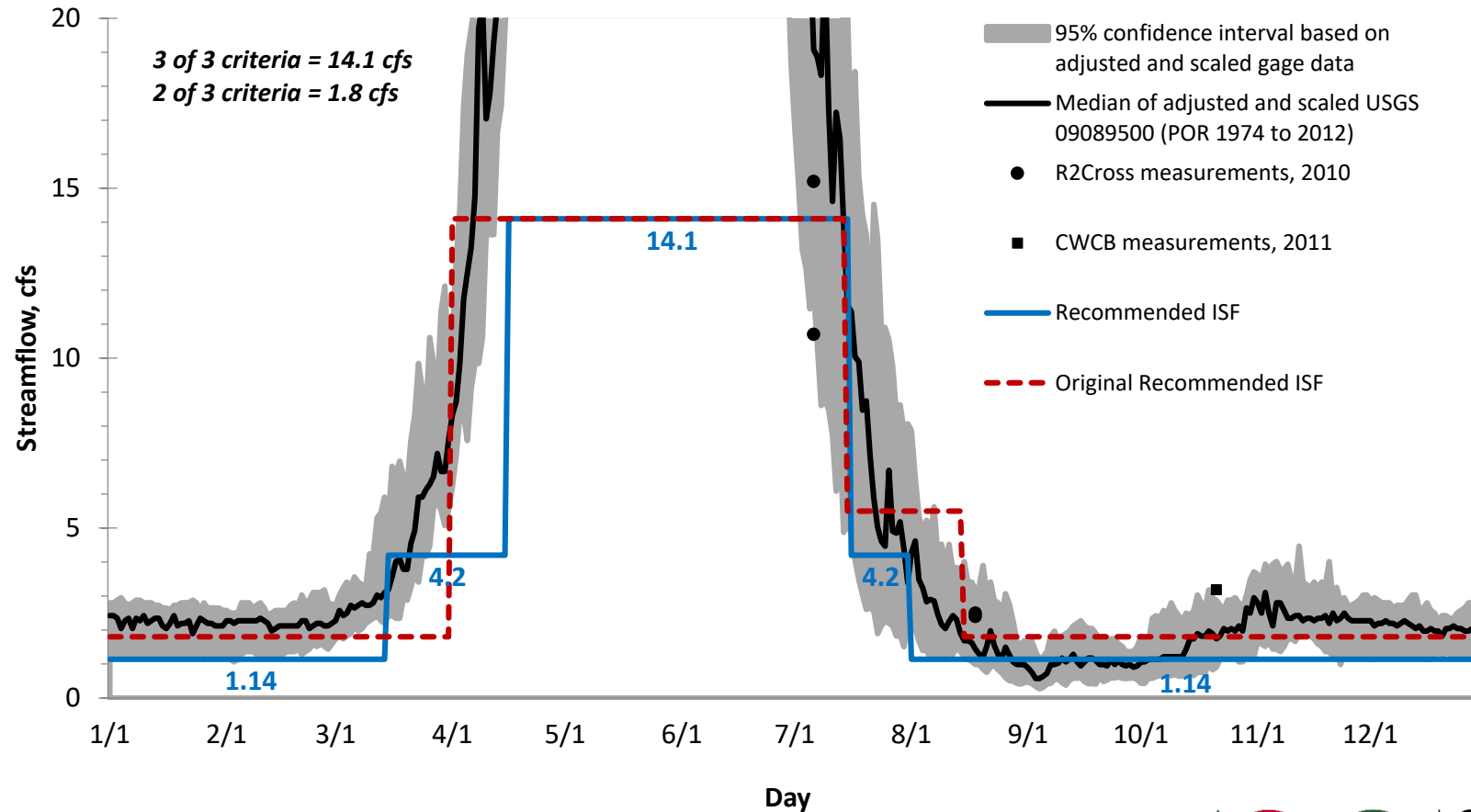
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WATER AVAILABILITY

West Divide Creek

Lower terminus: confluence with Mosquito Creek



WHAT DOES AN ISF LOOK LIKE?



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

ISF RECOMMENDATIONS

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

- Collect field data and determine flow needs.
- Submit recommendation letters.
- Identify stakeholders and participate in outreach efforts.
- Testify on natural environment and flow requirements if there is a contested hearing.



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ONGOING RECOMMENDATIONS

DIV	Waterbody	Counties	Watersheds	Recommender
1	Unnamed Tributary to Duck Creek	Clear Creek	Upper South Platte	CPW
1	Platte Gulch	Park	South Platte Headwater	CPW & Pitkin County
1	Indian Creek	Park	Upper South Platte	CPW & Pitkin County
1	McCurdy Creek	Park	Upper South Platte	CPW & Pitkin County
1	North Fork Little Thompson River	Larimer	Big Thompson	CPW & Larimer County
1	Sulzer Gulch	Larimer	Big Thompson	CPW & Larimer County
1	Spring Canyon	Larimer	Cache La Poudre	CPW & Larimer County
2	East Fork Arkansas River	Lake	Arkansas Headwaters	BLM
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	Naturita Creek	San Miguel	San Miguel	BLM
4	Naturita Creek	Montrose & San Miguel	San Miguel	BLM
4	Pine Creek	Gunnison	Upper Gunnison	CPW
4	Gold Creek	Gunnison	Tomichi	HCCA
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	Stinking Gulch	Moffat & Rio Blanco	Upper Yampa	BLM
6	Morapos Creek	Moffat & Rio Blanco	Upper Yampa	CPW
6	Waddle Creek	Moffat	Upper Yampa	CPW

ONGOING RECOMMENDATIONS

DIV	Waterbody	Counties	Watersheds	Recommender
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
6	Lynx Creek	Garfield	Upper White	CPW
6	Bear Creek	Garfield	Upper White	CPW
6	Big Fish Creek	Garfield	Upper White	CPW
6	Mirror Creek	Rio Blanco	Upper White	CPW
6	East Marvine Creek	Rio Blanco	Upper White	CPW
6	Hill Creek	Rio Blanco	Upper White	CPW
6	Paradise Creek	Garfield & Rio Blanco	Upper White	CPW
7	Little Taylor Creek	Montezuma	Upper Dolores	CPW & Dolores River Anglers
7	Tenderfoot Creek	Dolores & Montezuma	Upper Dolores	CPW & Dolores River Anglers
7	Ryman Creek	Montezuma	Upper Dolores	CPW & Dolores River Anglers
7	Wildcat Creek	Dolores & Montezuma	Upper Dolores	CPW & Dolores River Anglers
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

HOW TO FIND OUT MORE

- CALL OR EMAIL STAFF
- SUBSCRIPTION MAILING LIST
- ISF WEBSITE



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



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QUESTIONS?



Lower Square Top Lake

2020 ISF RECOMMENDATIONS

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



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