Colorado's Instream Flow and Natural Lake Level Program

2013 Recommendations in Gunnison County

Slate River

In 1973, the Colorado Legislature created the Instream Flow Program with the passage of Senate Bill 97:

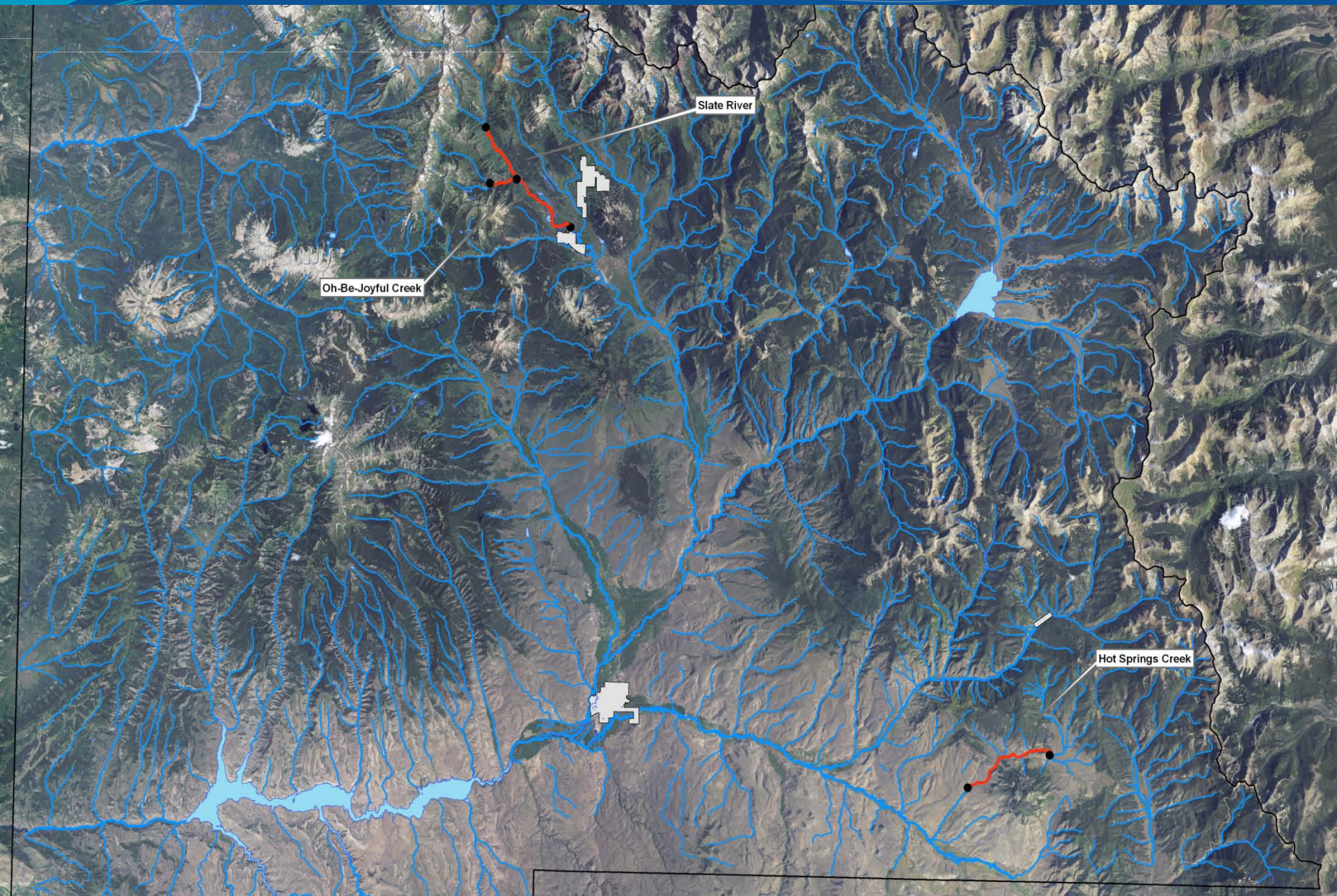
"Further recognizing the need ***to correlate the activities of mankind with some reasonable preservation of the natural environment****, the Colorado Water Conservation Board is hereby vested with the authority, on behalf of the people of the state of Colorado, to appropriate or acquire… such waters of natural streams and lakes as may be required to preserve the natural environment to a reasonable degree."*

Hot Springs Creek

An Instream Flow or Natural Lake Level Water Right is:

- An “in-channel” or “in-lake” appropriation of water
- Made exclusively by the Colorado Water Conservation Board
- To preserve the natural environment to a reasonable degree
- For “minimum flows” between specific points on a stream, or “levels” on natural lakes
- Administered within the State’s water right priority system

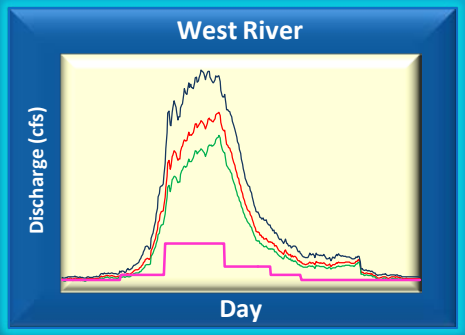
Gunnison County Recommendations



Statutory Requirements

A natural environment exists

- typically identified by the presence of a fishery, but other indicators can be used



The natural environment will be preserved by the water available for the appropriation

- determined by water right and hydrologic investigations
- Median Hydrology

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 undecreed uses and exchanges

New Appropriation Process

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

Recommending Entity

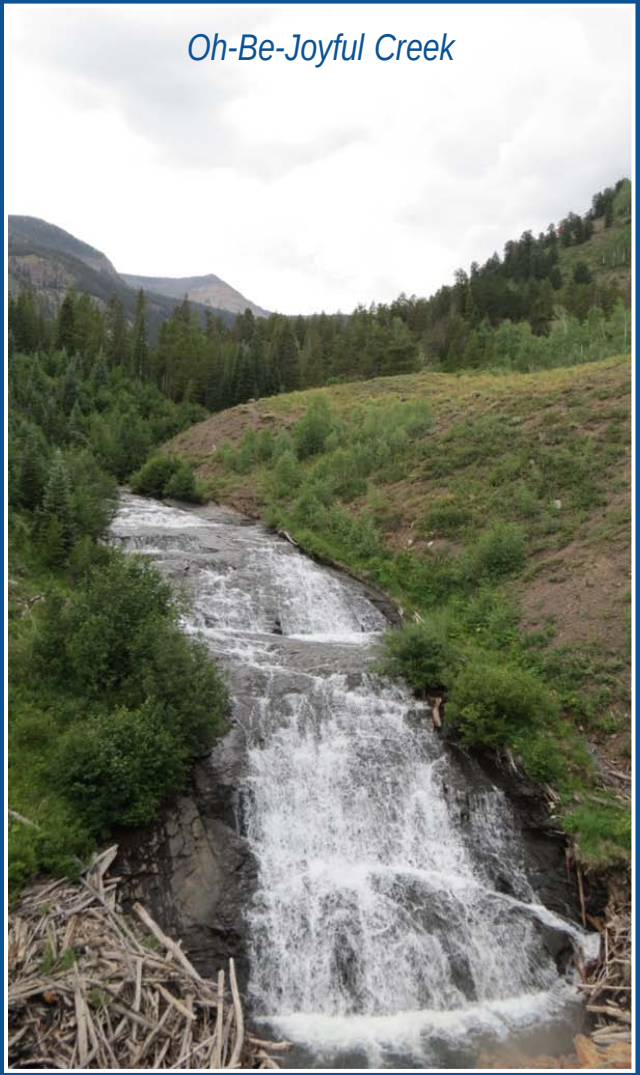
- collect data
- quantify flow requirements using R2Cross or other standard methodology – usually cold water fishery standard, but not limited
- submit recommendations to CWCB at February workshop—must be submitted ***in writing*** and ***with specificity***.

Little Spring Creek – 2008 Data Collection

New Appropriation Process

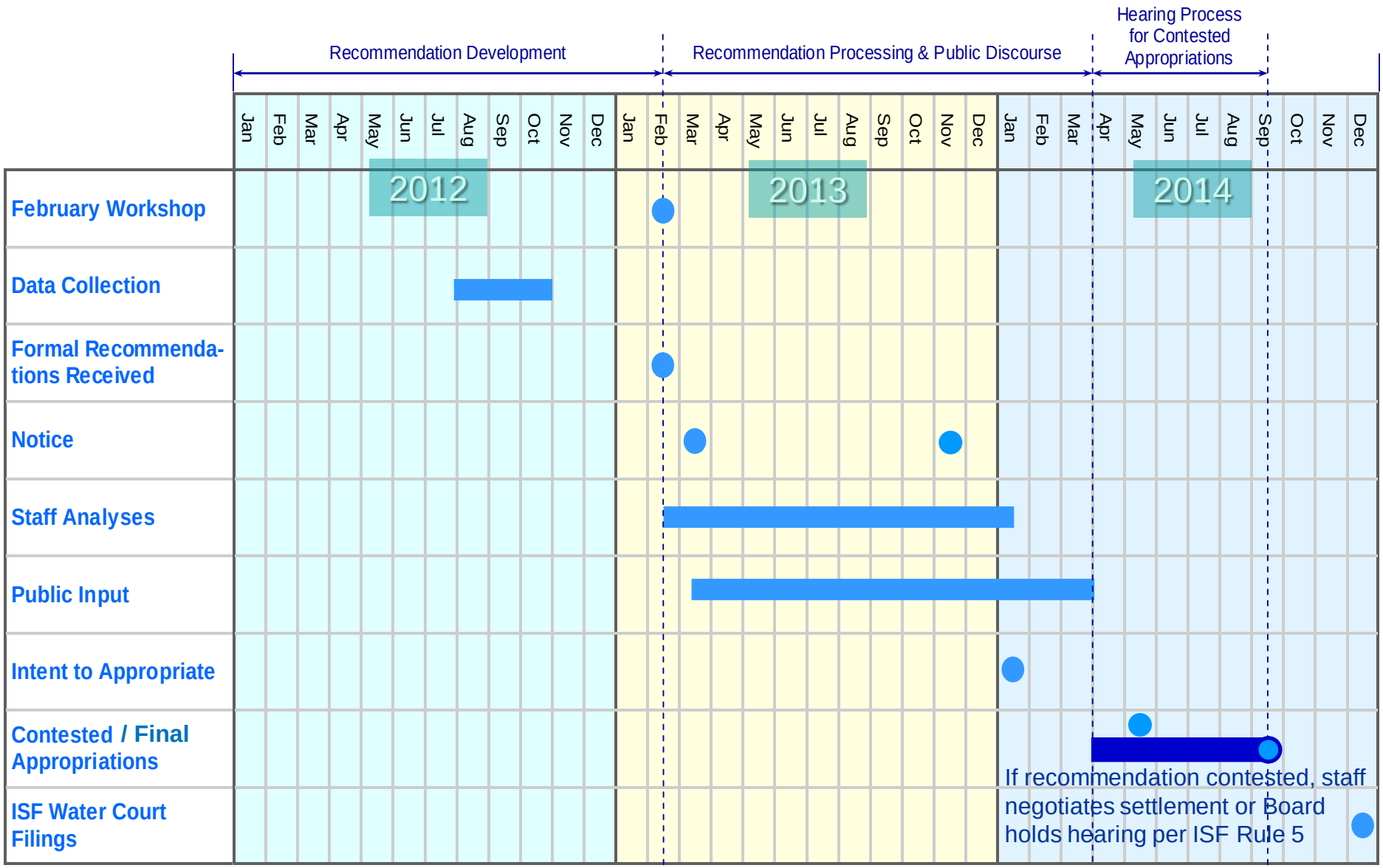
CWCB Staff

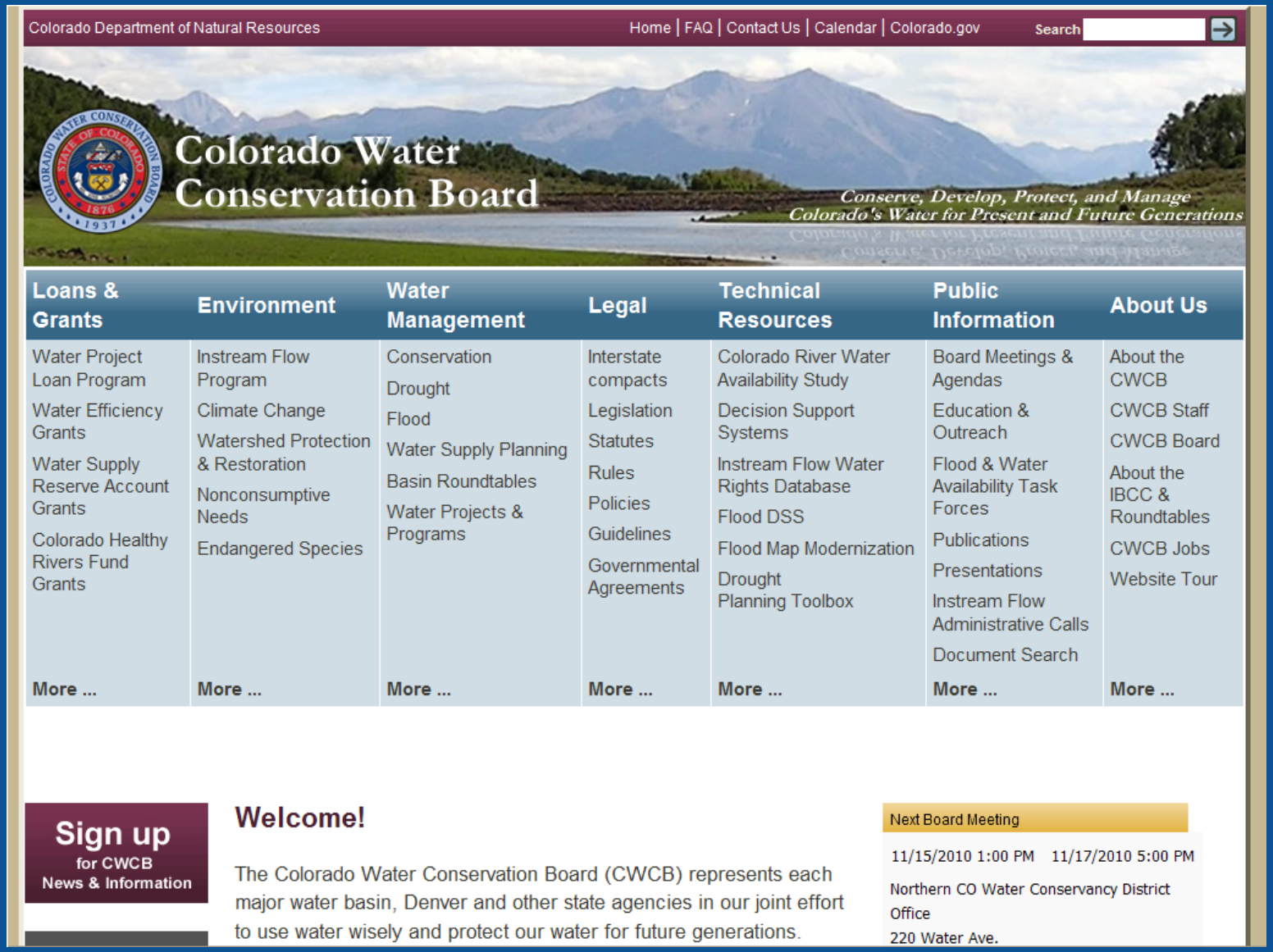
- Inform CWCB of recommendations at March Board meeting & provides public notice (March & November)
- Prioritize and analyzes each recommendation
- Perform site visits and collects additional data
- Perform water availability analyses
- Holds public meetings to get input on recommendations
- Consult with Division of Water Resources
- Brings recommendations to CWCB for appropriation – *typically at the Board's January Meeting.*



If recommendation contested, staff negotiates settlement or Board holds hearing (ISF Rule 5 notice and comment procedures)

New Appropriation Processing Timeline



Web Site

http://cwcb.state.co.us