



COLORADO INSTREAM FLOWS



COLORADO
WATER TRUST

COLORADO WATER TRUST

JOSH BOISSEVAIN

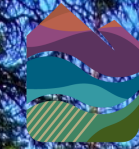
LARIMER COUNTY WATER EDUCATION SERIES

OCTOBER 2023



WHO WE ARE...

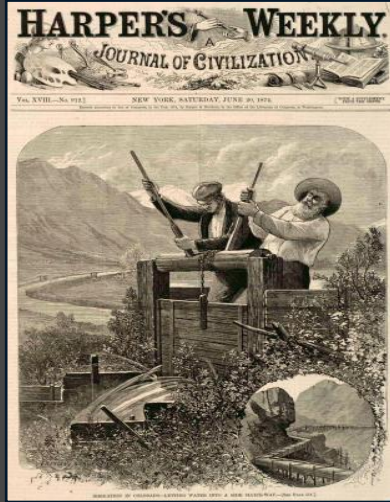
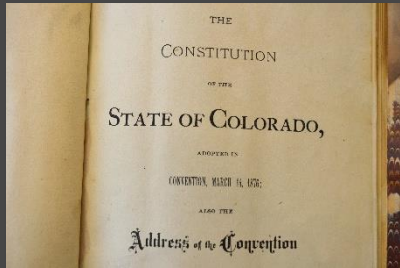
- 💧 Non-profit organization and we work statewide to restore flows to **COLORADO'S** rivers in need
- 💧 Formed in 2001 to partner with Colorado's Instream Flow Program and amplify its work
- 💧 Work with water users to put together voluntary transactions to benefit the **environment**
- 💧 Transactions are **tailored** for each water right and each water system
- 💧 **Work** within the prior appropriation system and compensates water rights owners at **fair market value**



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History is Preamble



1876

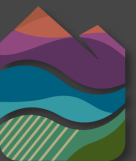
1878

Cache La Poudre Conflict

1903

...70 years...

1973



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Photos: Denver Post, Colorado Encyclopedia, Fort Collins History Connection, Colorado Virtual Library, Denver Post (L>R).



ISF and Minimum Lake Levels
since 1973

COLORADO INSTREAM FLOW PROGRAM

- 💧 Strict prior appropriation, no public trust
- 💧 CWCB has exclusive authority to beneficial use of instream flow
- 💧 CWCB may **APPROPRIATE** water rights to preserve the environment to a reasonable degree
- 💧 CWCB may **ACQUIRE** water rights to preserve or improve the natural environment to a reasonable degree



Colorado Water Conservation Board

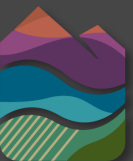
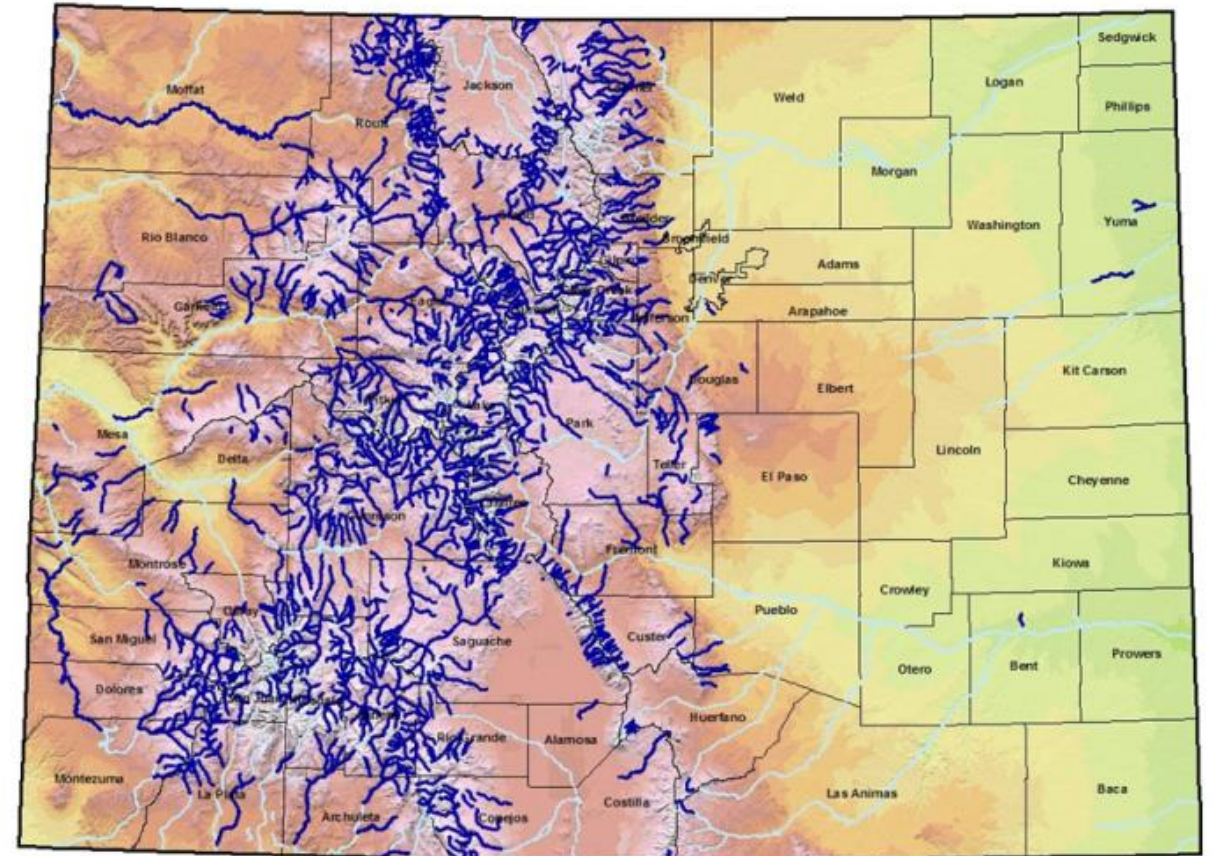
CWCB is the state agency with exclusive authority to obtain instream flow water rights and minimum lake level rights.

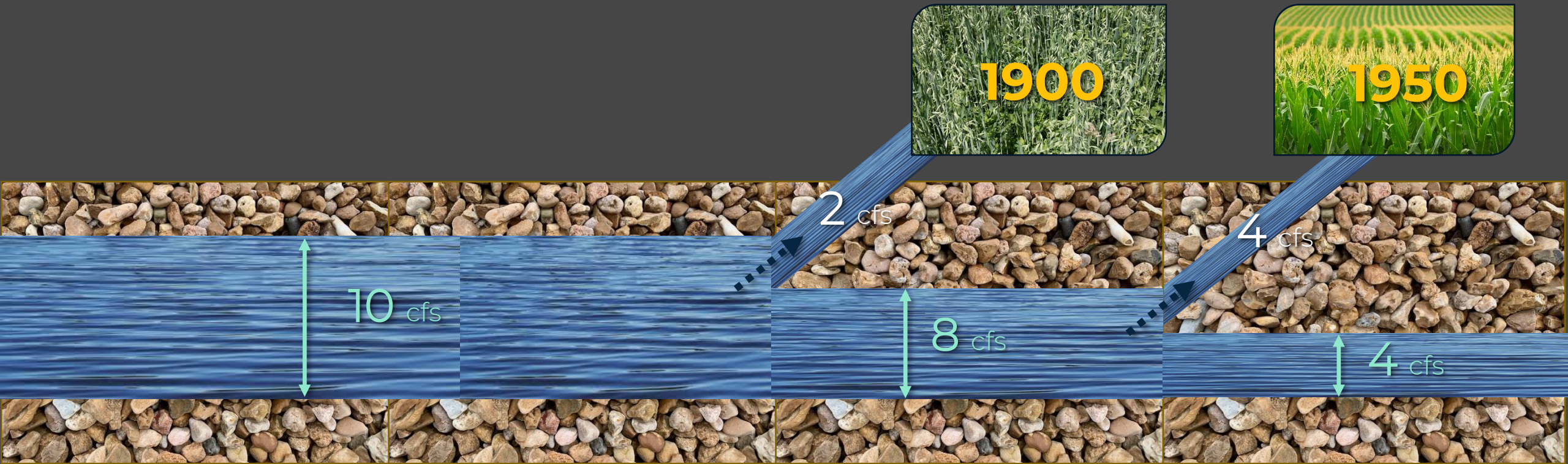
There are administrative and judicial processes to go through to establish an ISF.

CWCB gains ISF water rights in 2 ways:

1. **Appropriation**: the traditional water court process – apply for a junior water right; Preserve
2. **Acquisition**: a variety of statutory and creative tools exist to provide opportunities for temporary and permanent transfers of senior water rights to ISF; Preserve and improve

Streams Included in Colorado's Instream Flow Program

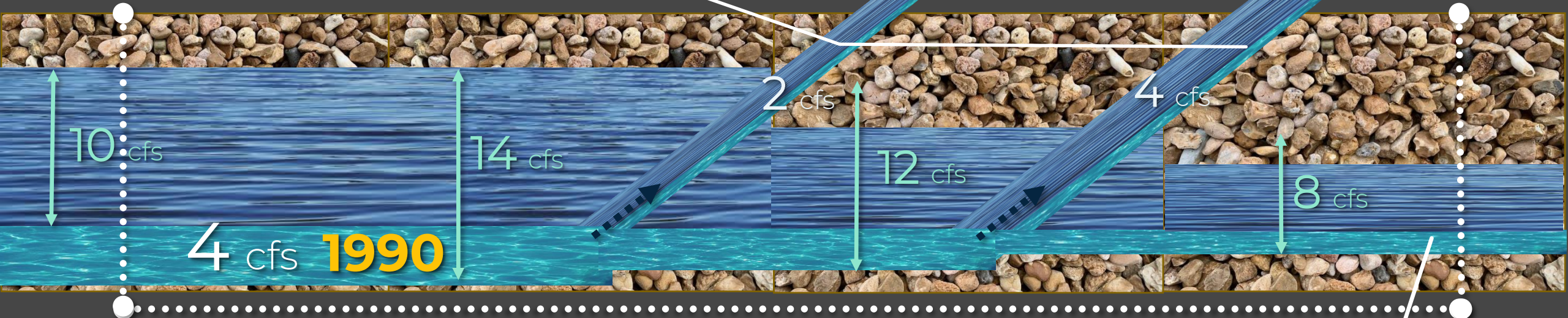




Basic Example



Senior rights can divert junior ISF right



ISF Reach

~2.3 cfs ISF left @ end of reach due to senior diversions

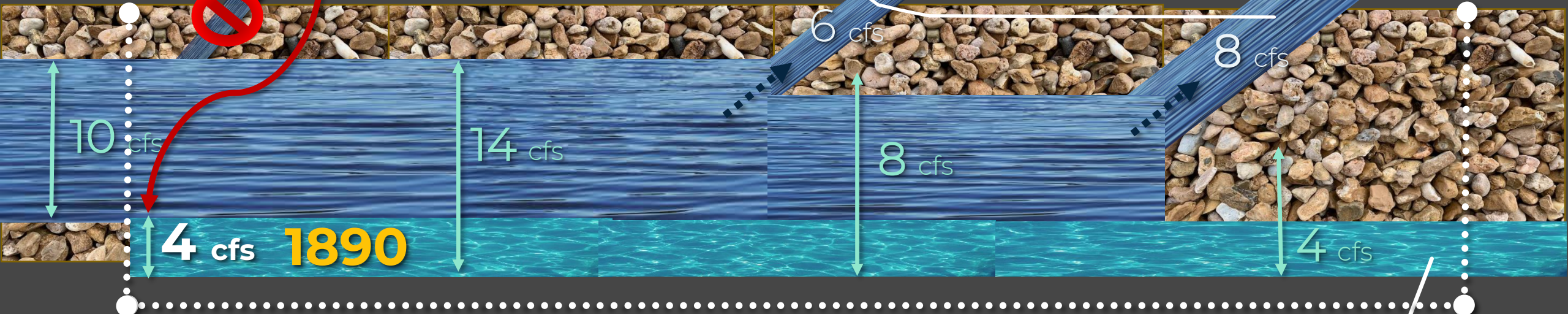
ISF Appropriation





Changed for ISF

ISF right senior to other diversions



ISF Reach

All 4 cfs of ISF still instream

ISF Acquisition



CWT PROJECTS

Successfully completed
25 projects,
adding nearly **74,555
acre-feet** of water to over
600 miles of rivers and
streams in Colorado.



What is the best tool?

Permanent?

Change of use to
instream flow?

Change of use/
point of
diversion/place of
use?

Strategic
abandonment?

If the water right at issue can help the stream in time/place, figure out if there is a **legal tool** that will work.

Flexible?

Strategic reservoir
releases?

Agricultural water
protection water
right?

Streamflow
augmentation
plan?

Downstream
decreed
beneficial use?

Temporary?

Water
conservation
program?

Interruptible
water supply
plan?

5/10 temporary
loan to instream
flow?

Non-diversion
agreement?

Substitute
water supply
plan?



ACQUISITION AND WATER RIGHT CHANGE PROJECT EXAMPLES

Little Cimarron: Permanent acquisition; split-season irrigation; CWT owns water right subject to grants of irrigation and environmental flow uses; soil health & productivity study

Coats Bros Ditch: 3-in-10 Instream flow lease; split-season irrigation

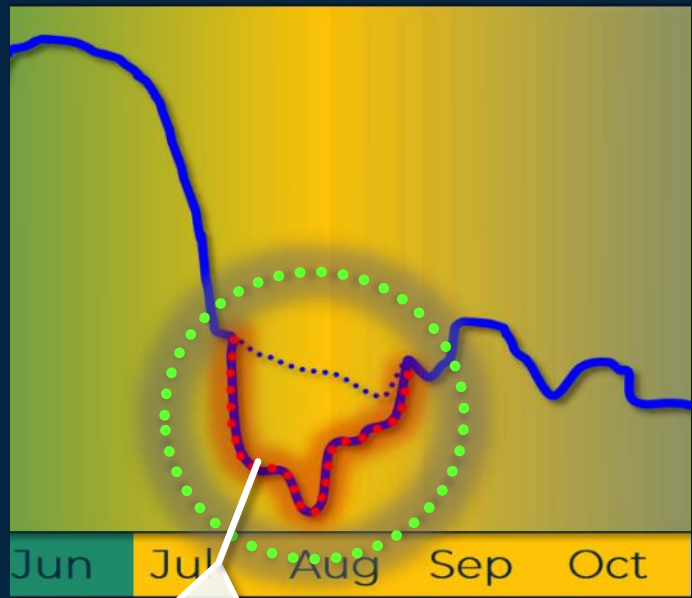
Alamosa River: permanent changes of senior rights that are stored and released to extend season of flow



RESERVOIR RELEASES & DOWNSTREAM BENEFICIAL USE

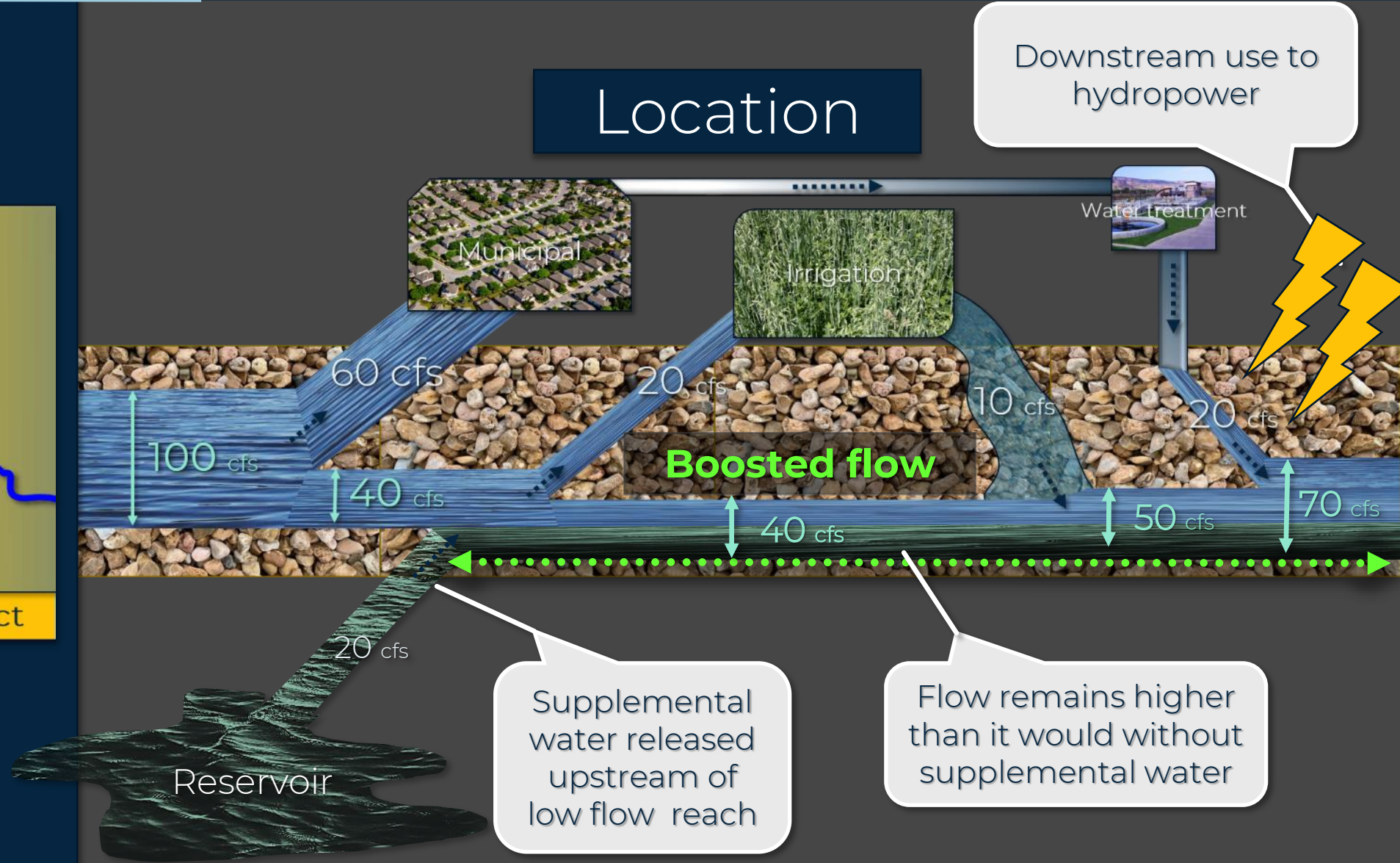


Timing



Supplemental water released at time when flow drops

Location



Supplemental water released upstream of low flow reach

Flow remains higher than it would without supplemental water

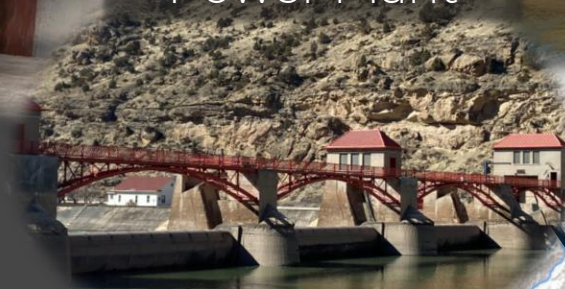
15-Mile Reach Project



Year	Amount Delivered
2019	328 af
2020	1,000 af
2021	4,500 af



Grand Valley Power Plant



DOWNSTREAM BENEFICIAL USE

Hydropower @ Grand Valley Power Plant & fish recovery

Available for diversion below reach

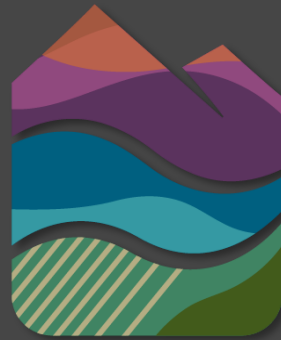


Endangered Fish Reach

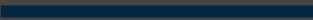
RESERVOIR RELEASE
Ruedi Reservoir
Up to 5,000 af/y



Ruedi Reservoir



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THANKS!

