

Colorado Water Trust

Request for Water 2012: Loans of Water to Instream Flow Water Rights



Sustaining Colorado Watersheds
October 10, 2012



Colorado Water Trust

A private, nonprofit organization formed in 2001 and dedicated to protecting and restoring streamflows in Colorado through voluntary, market-based efforts.

STAFF

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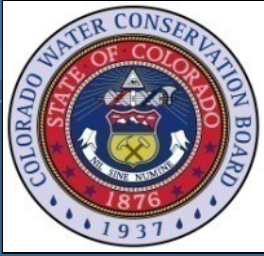
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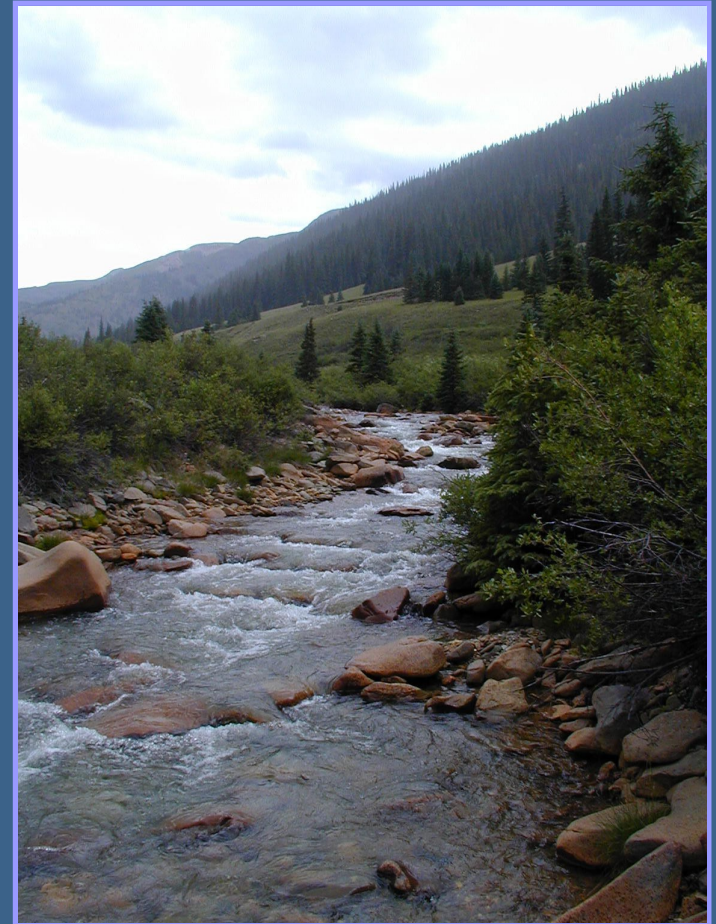
Colorado Water Conservation Board



1973
Legislature Established Colorado's ISF Program

Recognized “the need to correlate the activities of mankind with some reasonable preservation of the natural environment”

Vested 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.”



North Fork Mineral Creek

Types of Acquisitions

Permanent
Acquisitions
*Donations,
Purchases*

Other interests in
water
*Contracts, Trusts,
and other
arrangements*

Loans/Leases of Water



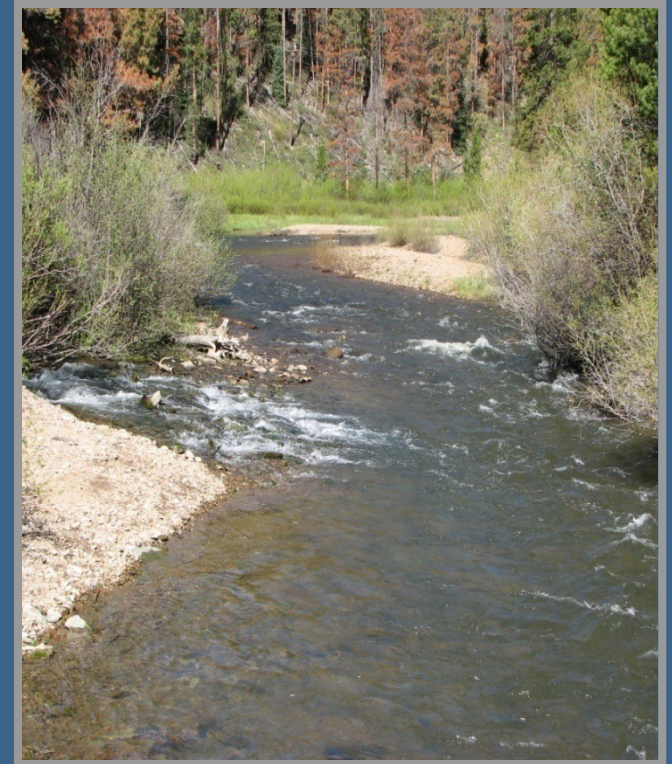
Long Term Leases

Short Term Leases
(3 in 10 year leases)

Temporary Loans and Short Term Leases

Section 37-83-105, C.R.S.

- Authorized by legislation in 2003 and 2005
- Limited to
 - ISF use for a period of 120 days per year, and 3 years of use over a 10 year period
- Can be used on any stream where CWCB currently holds an ISF right, up to decreed amount
- No water court change case – State and Division Engineer can approve ISF use if no injury to other water rights



Temporary Loans and Short Term Leases

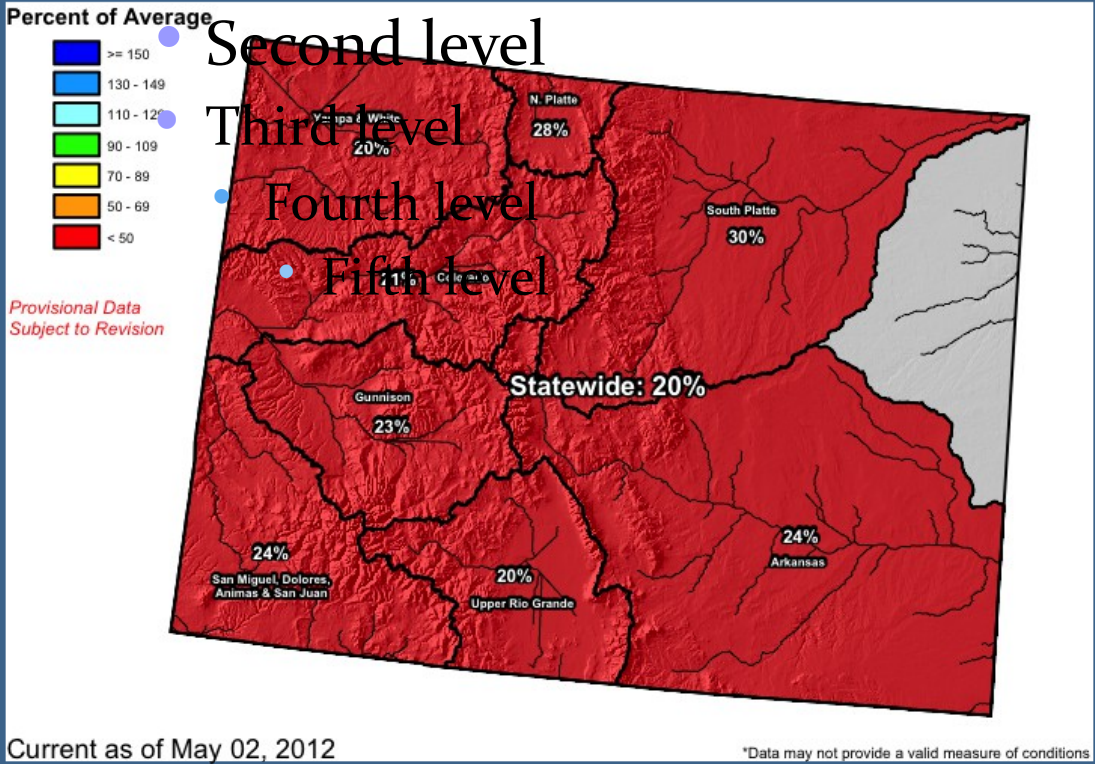
Section 37-83-105, C.R.S.

- Recent legislation provided significant protections for water right owners:
 - Excluded all periods of time during which CWCB uses a leased/loaned water right for ISF from any future historic consumptive use analysis of the water right
 - Water rights leased or loaned into the Instream Flow Program are protected from abandonment

Early May 2012 Snowpack Conditions Suggested Low Spring Flows and Shorter Runoff Period

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Colorado SNOTEL Snowpack Update Map



Cochetopa Creek – July 2002

Stream Conditions
Expected to be
Similar to 2002

Current as of May 02, 2012

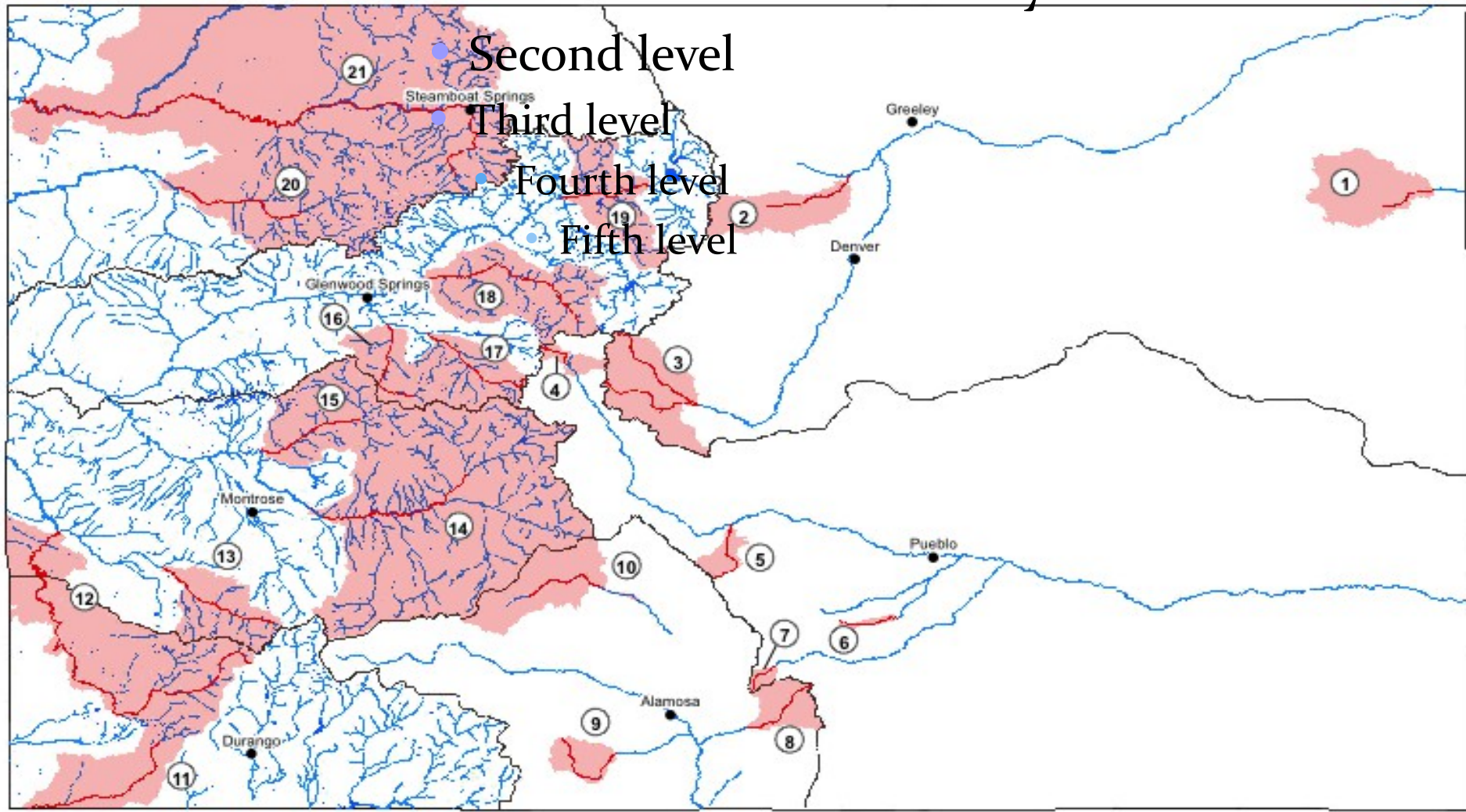
*Data may not provide a valid measure of conditions

CWT began by identifying 21 Priority Basins where ISF rights were expected to be short

- **Reviewed existing data for water short ISF segments during 2002 (Wildlife Drought Task Force)**
- **Reviewed CWCB ISF Call Records from 2002 and subsequent years**

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Second level
Third level
Fourth level
Fifth level



Priority Stream Basins

- | | |
|--|--|
| 1. North Fork of the Republican River upstream from Holy Joe Creek | 12. Dolores River upstream from the San Miguel River |
| 2. Boulder Creek | 13. San Miguel River upstream from Horsefly Creek |
| 3. Middle and South Forks of the South Platte River above their confluence | 14. Gunnison River upstream from the Crystal Dam |
| 4. Lake Fork of the Arkansas River | 15. North Fork of the Gunnison River |
| 5. Texas Creek | 16. Crystal River |
| 6. Greenhorn Creek upstream from Graneros Creek | 17. Roaring Fork River upstream from the Frying Pan River |
| 7. Huerfano River upstream from Stanley Creek | 18. Eagle River |
| 8. Sangre de Cristo Creek upstream from Ute Creek | 19. Colorado River between Windy Gap Reservoir and Kremmling |
| 9. La Jara Creek upstream from Hot Creek | 20. White River upstream from Piceance Creek |
| 10. Saguache Creek upstream from the North Branch of the Saguache | 21. Yampa River |
| 11. Mancos River | |

— Perennial Streams and Rivers (Second Order or Larger)
 Lakes, Ponds, and Reservoirs
 2012 Priority Stream Reaches
 2012 Priority Basins
 Water Division Boundaries

Miles
 0 10 20 30 40 50

~Request for Water~

Released April 23, 2012

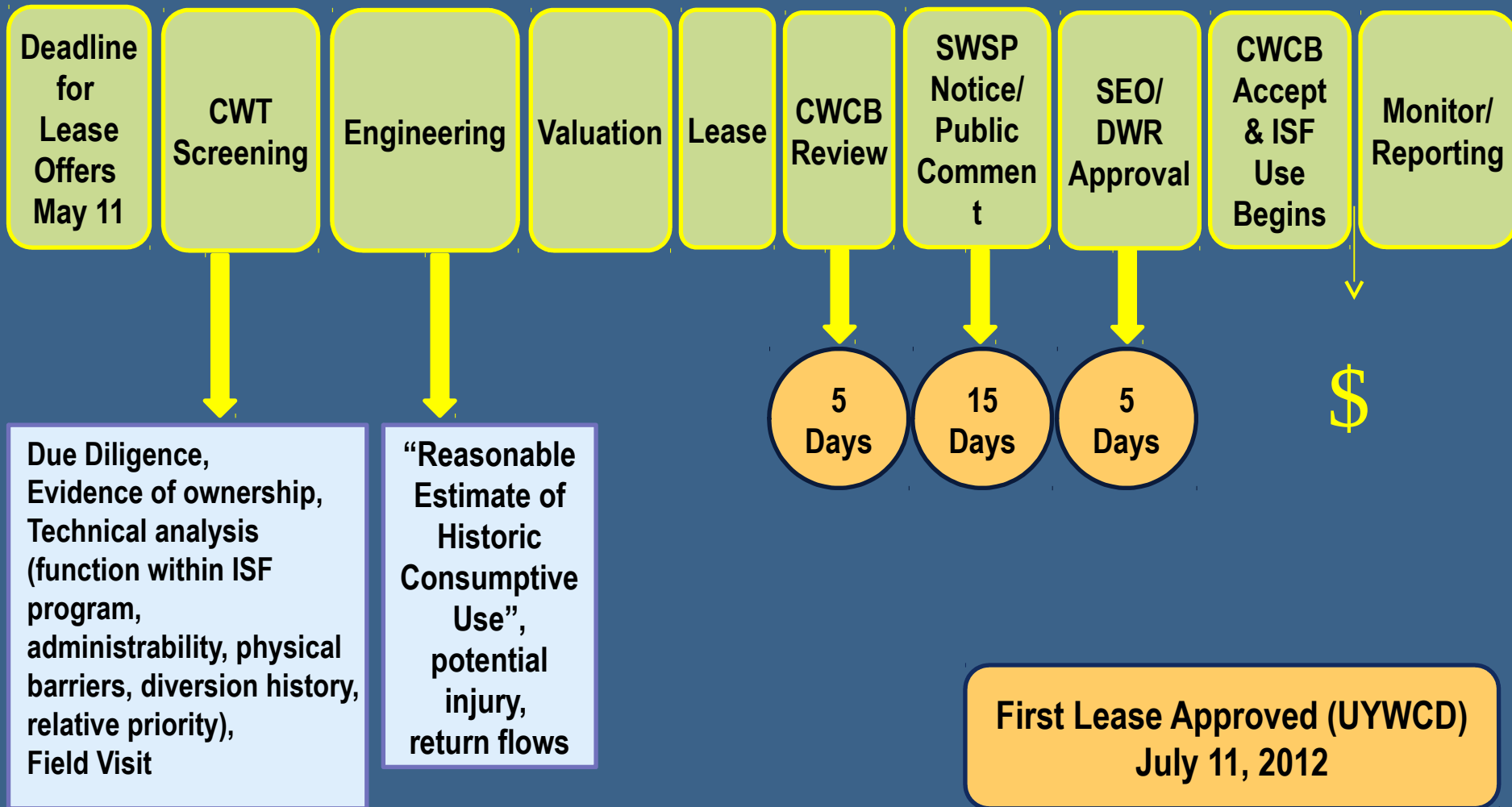
Outreach

- Press release
- News interviews
- *CWCB Insider* mailing list
- Personal contacts to federal, state and local water users
- Dedicated Web page with application/ Initial Offer Form and program details

Initial Response

- **Local and statewide newspaper coverage**
(front page of Denver Post)
- **Radio interviews and coverage**
- **34 entities/individuals contacted CWT**
to inquire about the program
- **19 entities/individuals submitted formal lease offers**
- **Total of 87 water rights offered in 6 Water Divisions**

PROCESS/TIMELINE



Final Statistics

- **56 water rights from 13 offers passed CWT screening process**
- **13 water rights from 7 offers passed engineering review**
 - **4 lease offers approved and currently being used to meet ISF water rights**
 - **1 lease offer pending SEO/DWR approval**
 - **1 lease offer pending contract approval**
- **2 late submittals still pending initial CWT review and screening**

Upper Yampa Water Conservancy District

Water Right: Stagecoach Reservoir Storage Right
ISF Right: Yampa River
Lease Amount: 4,000 acre-feet ; (26.6 cfs for 75 days)
Uses: Hydropower, then ISF, then incidental ISF,
then power generation through separate
contract with Tri-State
Benefitted ISF: 5.4 miles, other streamflow benefits
40-50 miles
Lease Term: One Year
Price: \$140,000 - based on UY contract rate
Status: Approved 7/11. Lease Complete.
Other: CWT receives \$28 an acre-foot from
Tri-State for whatever they use at Craig
of these releases



Aspen Shorefox, LLC

Water Right: Bunte Highline Ditch, 3 priorities out of Willow Creek
ISF Right: Colorado River (4 segments Willow Creek to Blue River)
Lease Amount: 40 cfs
Uses: ISF, Groundwater Recharge
Benefitted ISF: 30 miles
Lease Term: 10 years
Price: \$83,452 - based on full season irrigation net revenue plus 10%
Status: Approved 7/27. Currently being used to meet ISF needs.

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- Second level

- Third level

- Fourth level

- Fifth level



Colorado Parks & Wildlife

Water Right: Big Beaver Reservoir
ISF Right: White River
Lease Amount: up to 3,000 AF; up to 20 cfs
Uses: ISF
Benefitted ISF: about 40 miles
Lease Term: 10 years
Price: N/A
Status: Approved 7/17
Other: CWT initiated discussions with CPW and CWCB; State agencies ultimately decided to pursue the transaction through an inter-agency agreement



Coyote River Ranch

Water Right: Yost Ditch
ISF Right: Deep Creek, tributary to the Colorado River near Dotsero
Lease Amount: 2 cfs
Uses: ISF
Benefitted ISF: 0.5 mile
Lease Term: 10 years
Price: \$3,321 - based on full season irrigation net revenue
Status: Approved 8/2. Currently being used to sustain Deep Creek's ISF.

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- Second level

- Third level

- Fourth level

- Fifth level



A few challenges along the way.....

- **# 1 – Getting the word out accurately - to everyone from a municipal water manager to a high-mountain rancher**

- **# 2 – Maintaining the Expedited Process intended by the statute!**

- **# 3 – Technical Issues:**

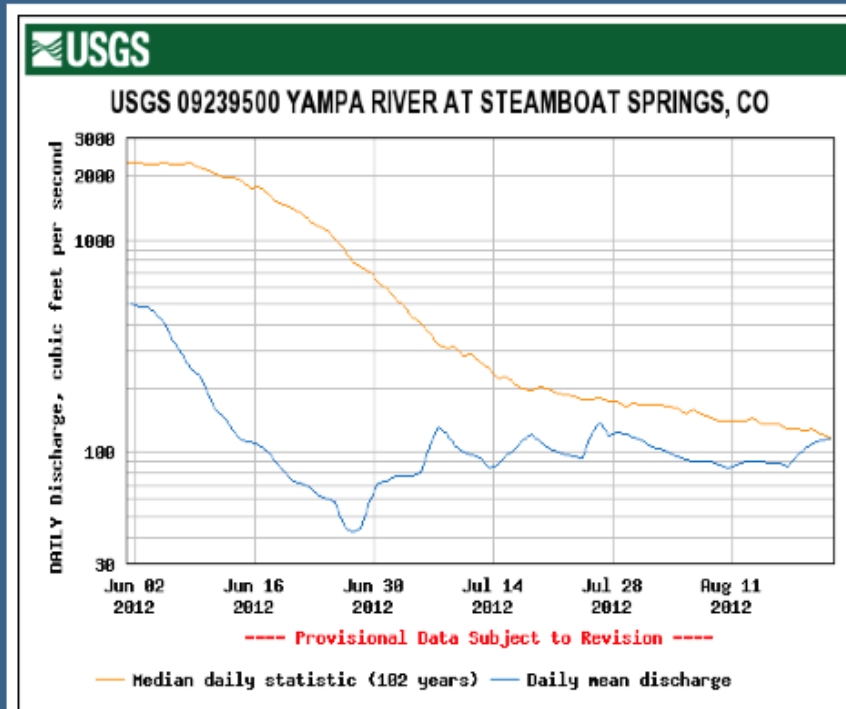
- - Defining “Reasonable Estimate of HCU”
(Water Court or SWSP standards, or simpler analysis?)
 - Split Season Leases – issue of first impression for DWR
 - Injury Analysis – return flows, HCU and refill for reservoirs
 - Administration of non-consumptive ISF rights – HUP issues
 - Level of monitoring required (gages? piezometers?)

- **# 4 – Implementation and Monitoring**

- - Developing a plan, staffing, record keeping, reporting

But Ultimately, an Overall Success!!

8/23/12 waterdata.usgs.gov/nwis/dv?dd_cd=04_00060_00003&format=img_stats&site_no=09239500&begin...



- Yampa River streamflow increased to levels that allowed the river to re-open for recreational uses

- **Streamflows and water temperatures expected to improve on White River, Colorado River, and other streams**

- **Variety of program participants – private owners, corporations, state, federal, local governments – with continued interest in the program!**

- **Implemented a 10-year old statute that had never been used, and developed new processes and standards.**

- **Auditing the process: Did we move the needle this summer in terms of increasing streamflow awareness and tools available to fix it?**

Questions ?

www.coloradowatertrust.org/request-for-water/



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