

Adopted 7/20/2016

Revised and readopted July 17, 2018

Instream Flows

Colorado River Water Conservation District Policy Statements:

The Colorado River District recognizes and supports the environmental and human benefits of flowing rivers and streams. The values and benefits of instream flows, however, must be balanced with the need for consumptive water uses in an arid West.

The Colorado River District supports Colorado's instream flow program as a means of protecting the aquatic environment. The River District supports the Colorado Water Conservation Board's (CWCB) exclusive authority to appropriate instream flow water rights that balance protection of the natural environment with the activities of mankind. The River District likewise supports other mechanisms that benefit the natural environment that are consistent with the Prior Appropriation Doctrine.

The District may oppose individual CWCB instream flow appropriations or donations when they exceed the amount reasonably necessary for the protection of the environment or do not sufficiently accommodate other existing or potential water uses. An instream flow right should not be granted if it would materially impair the ability to fully develop for beneficial use Colorado's entitlements under the Compacts of 1922 and 1948 nor should it exceed the amount of water reasonably necessary for the protection of the natural environment to a reasonable degree.

On a case-by-case basis, the District may advocate for inundation of all or portions of instream flow rights to accommodate new or expanded water storage, consistent with the state's policy of maximum utilization.

Background & Discussion:

The River District was created to protect the many beneficial (consumptive and non-consumptive) uses of Colorado River basin waters. The River District's mission is to protect and manage our scarce water resources for present and future uses and enjoyment.

Since 1973 and the inception of the Colorado instream flow program, the CWCB has appropriated instream flow water rights on more than 1,600 stream segments covering more than 9,250 miles of stream and 480 natural lakes in Colorado. While extensive, there are many waterways that do not have a CWCB instream flow water right. Most of the existing instream water rights are limited to cold water streams and rivers.

Conflicts and impacts have occurred as a result of instream flow appropriations, especially when instream flow rights are located on the lower reaches of streams and river; accordingly, it is incumbent on the CWCB to protect reasonably foreseeable future water development opportunities when deciding whether to file and the quantification of any instream flow rights.