

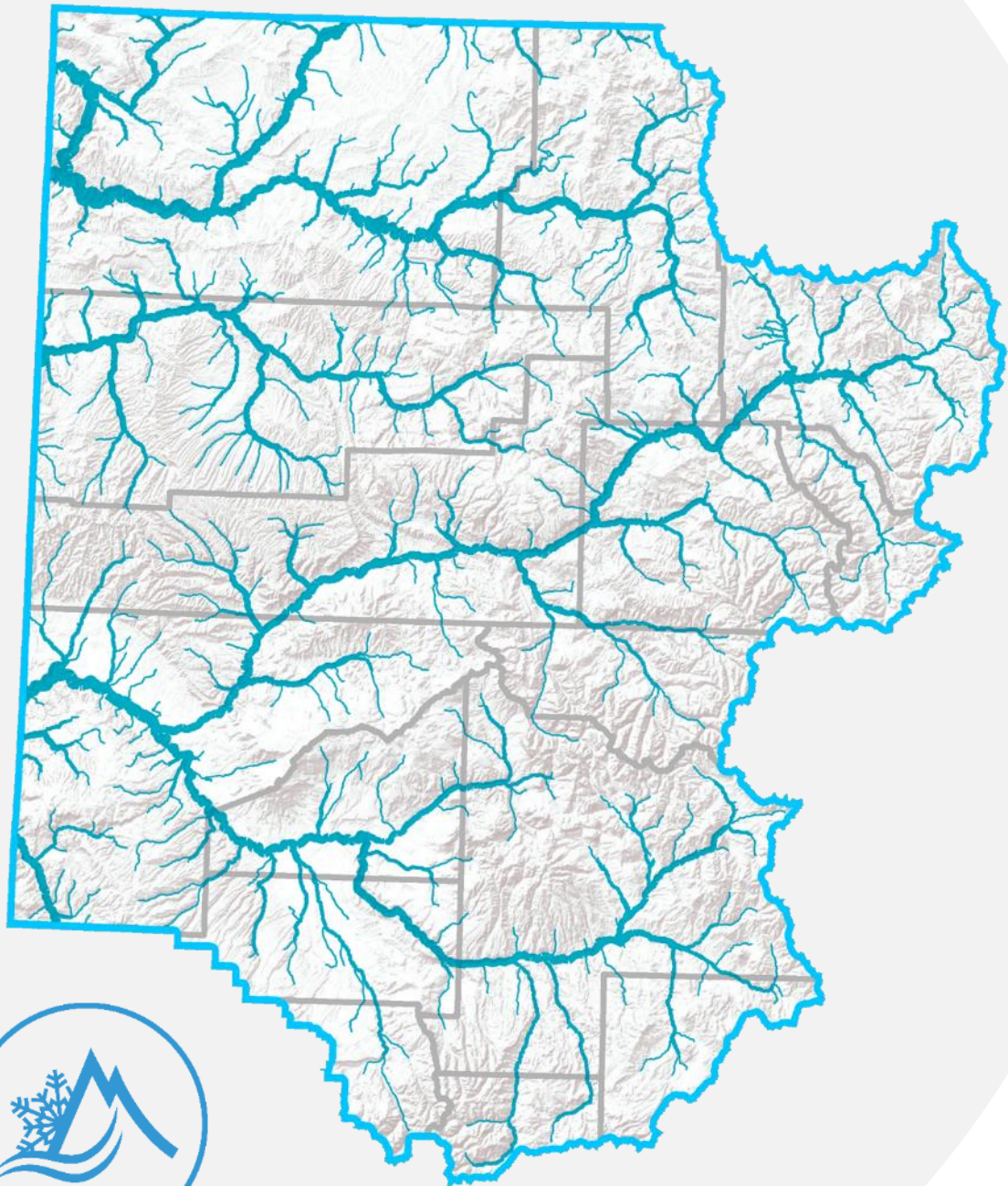
White River Integrated Water Initiative, Planning Advisory Committee

February 9, 2022

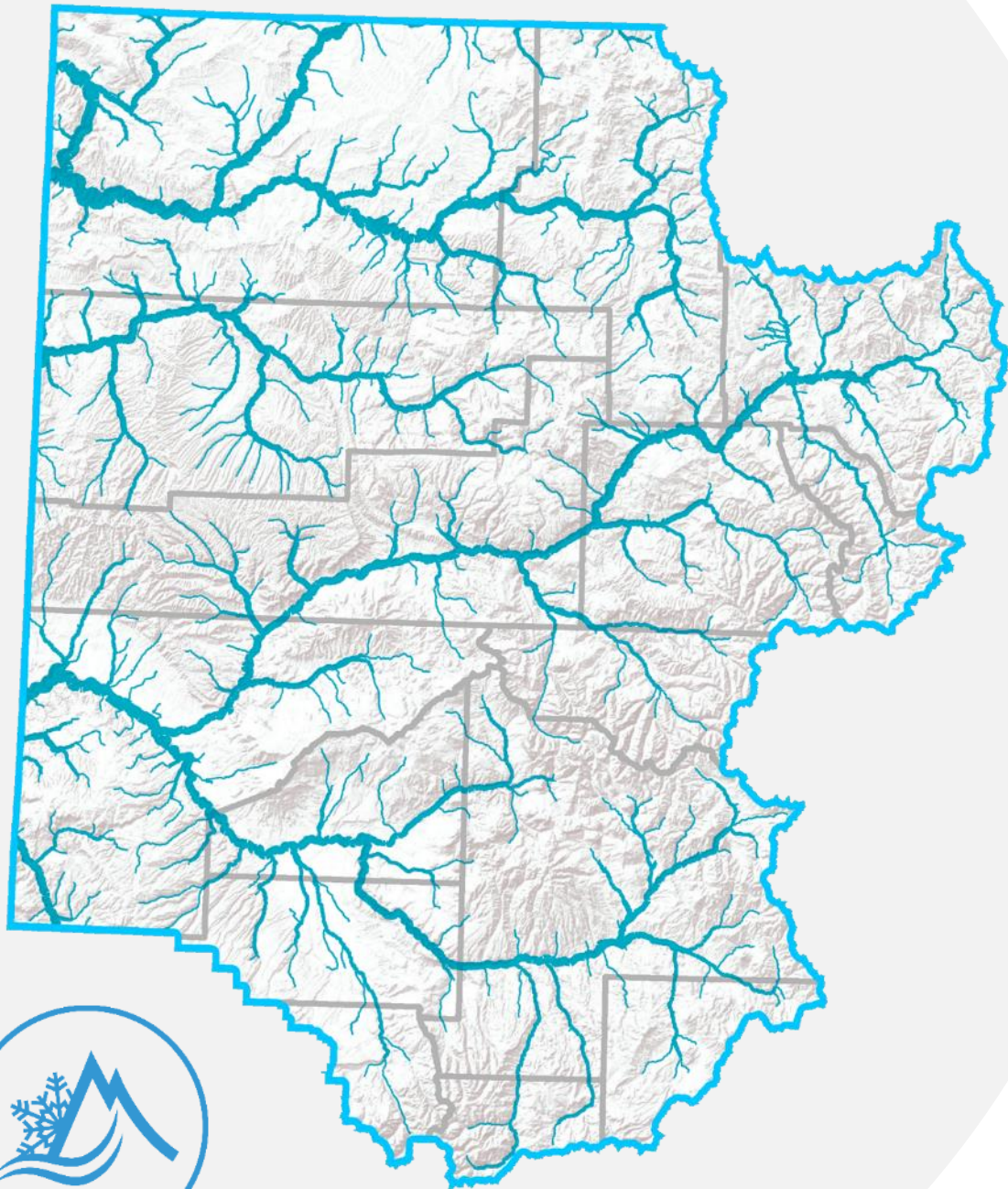
Peter Fleming
General Counsel
Colorado River District



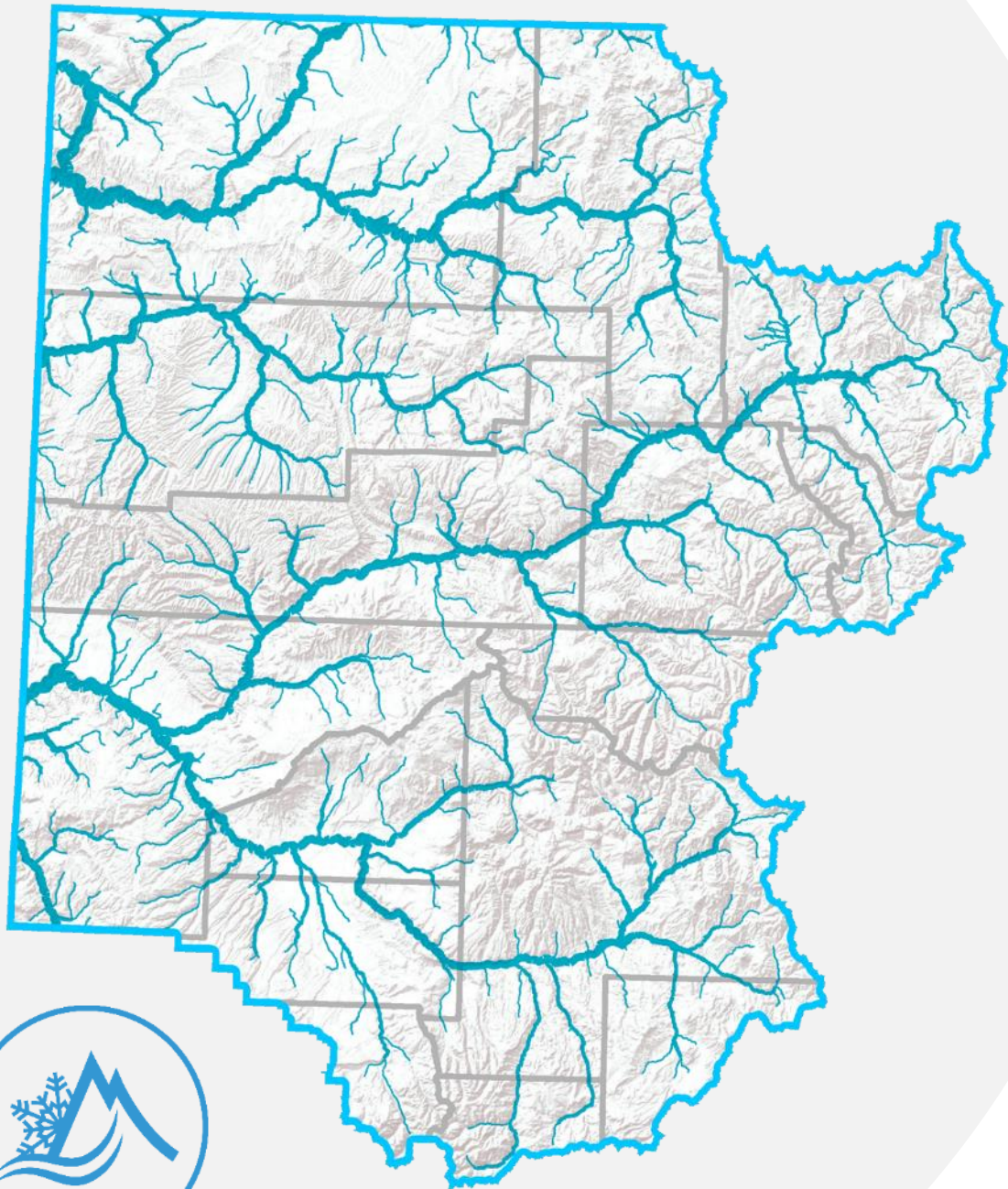
COLORADO RIVER DISTRICT
PROTECTING WESTERN COLORADO WATER SINCE 1937



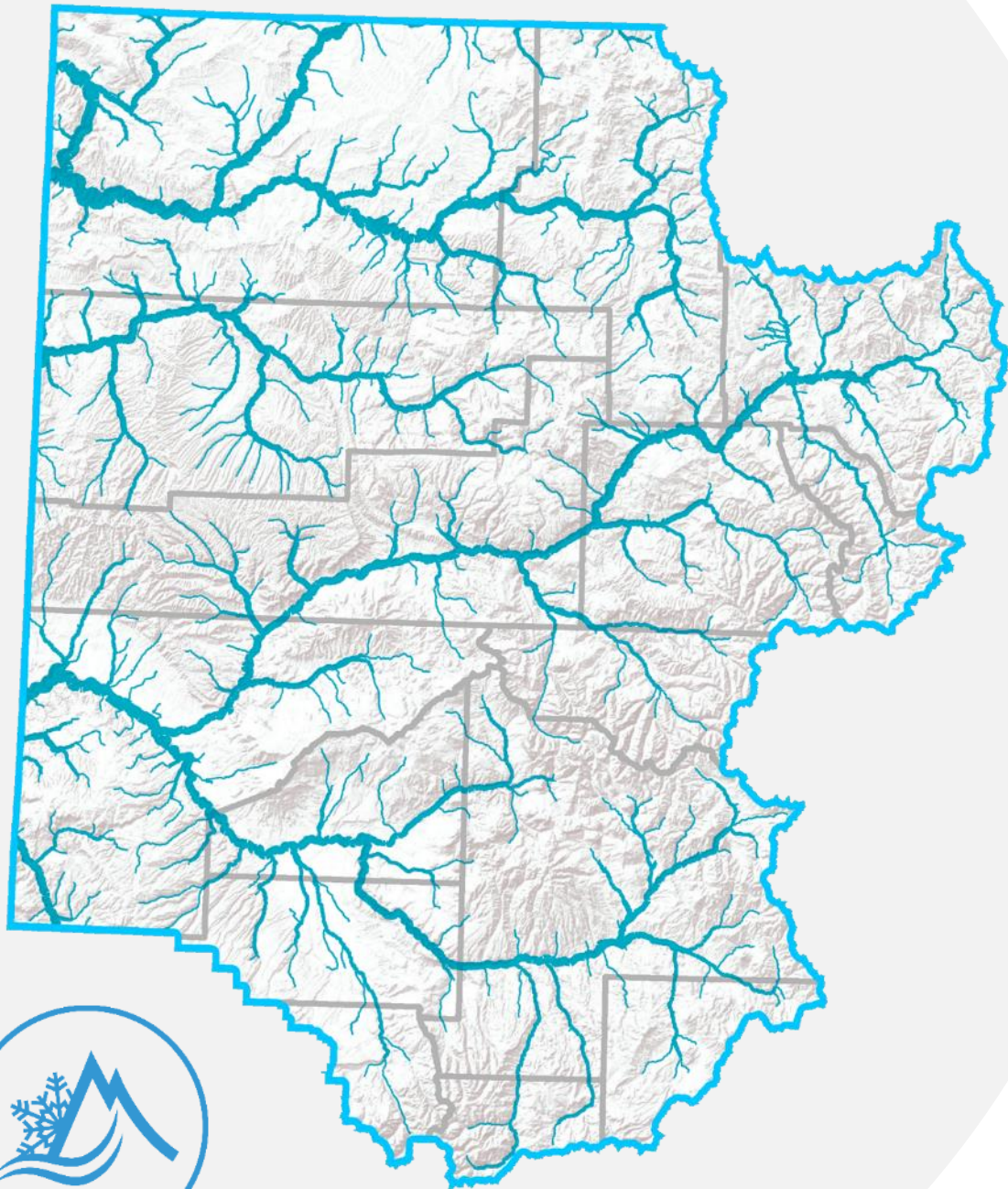
**To lead in the
protection,
conservation,
use, and
development
of the water resources of
the Colorado River basin.**



- ISF Statute 37-92-102(3)
- CWCB – Statewide Agency granted exclusive authority to appropriate ISFs
- ISFs do not require a diversion
- Distinction between ISF and in-channel beneficial uses

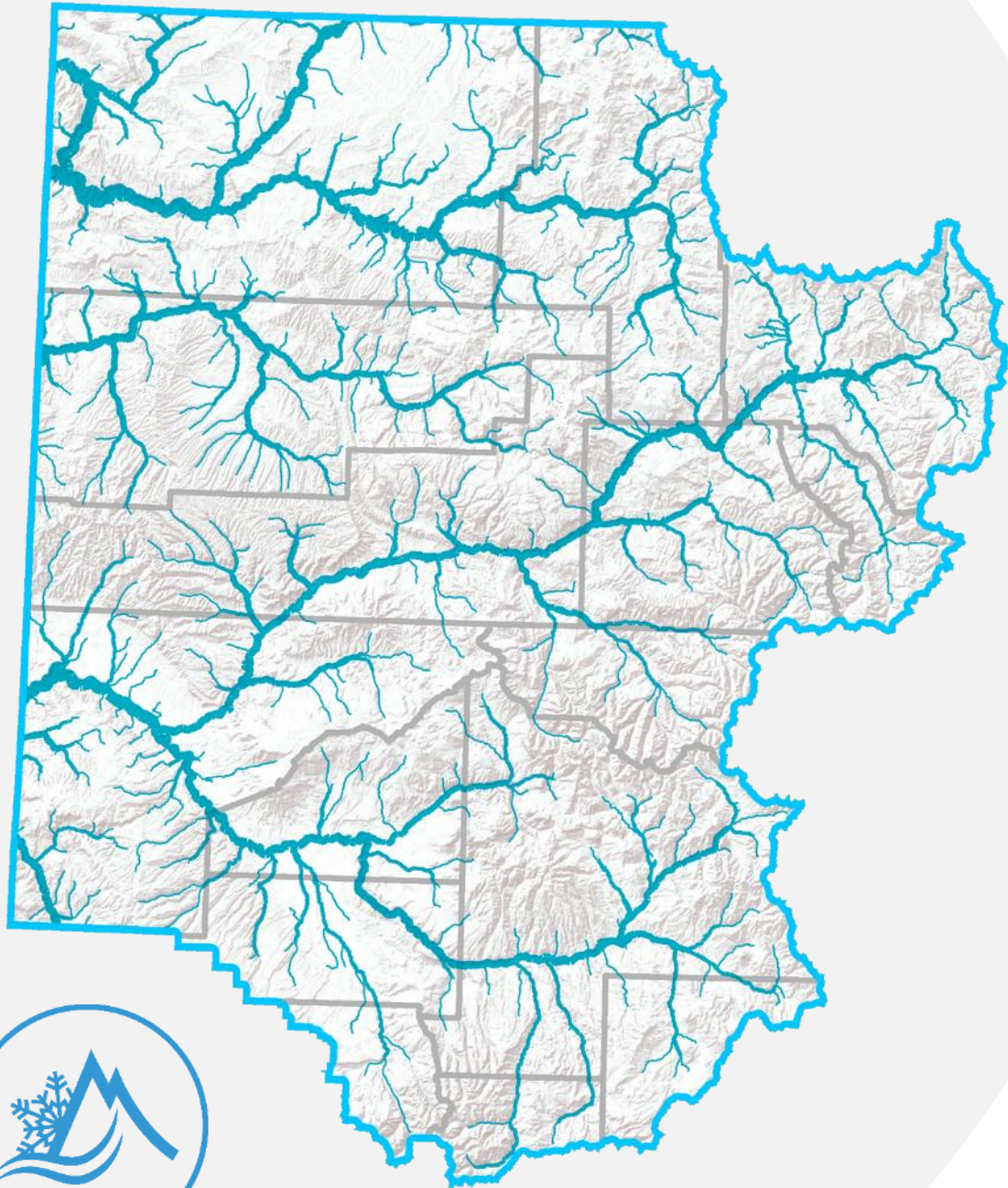


- CWCB's statutory findings
Before initiating a water rights filing, the board shall determine:
- that the natural environment will be preserved to a reasonable degree by the water available for the appropriation
- that there is a natural environment that can be preserved to a reasonable degree
- and that such environment can exist without material injury to water rights.

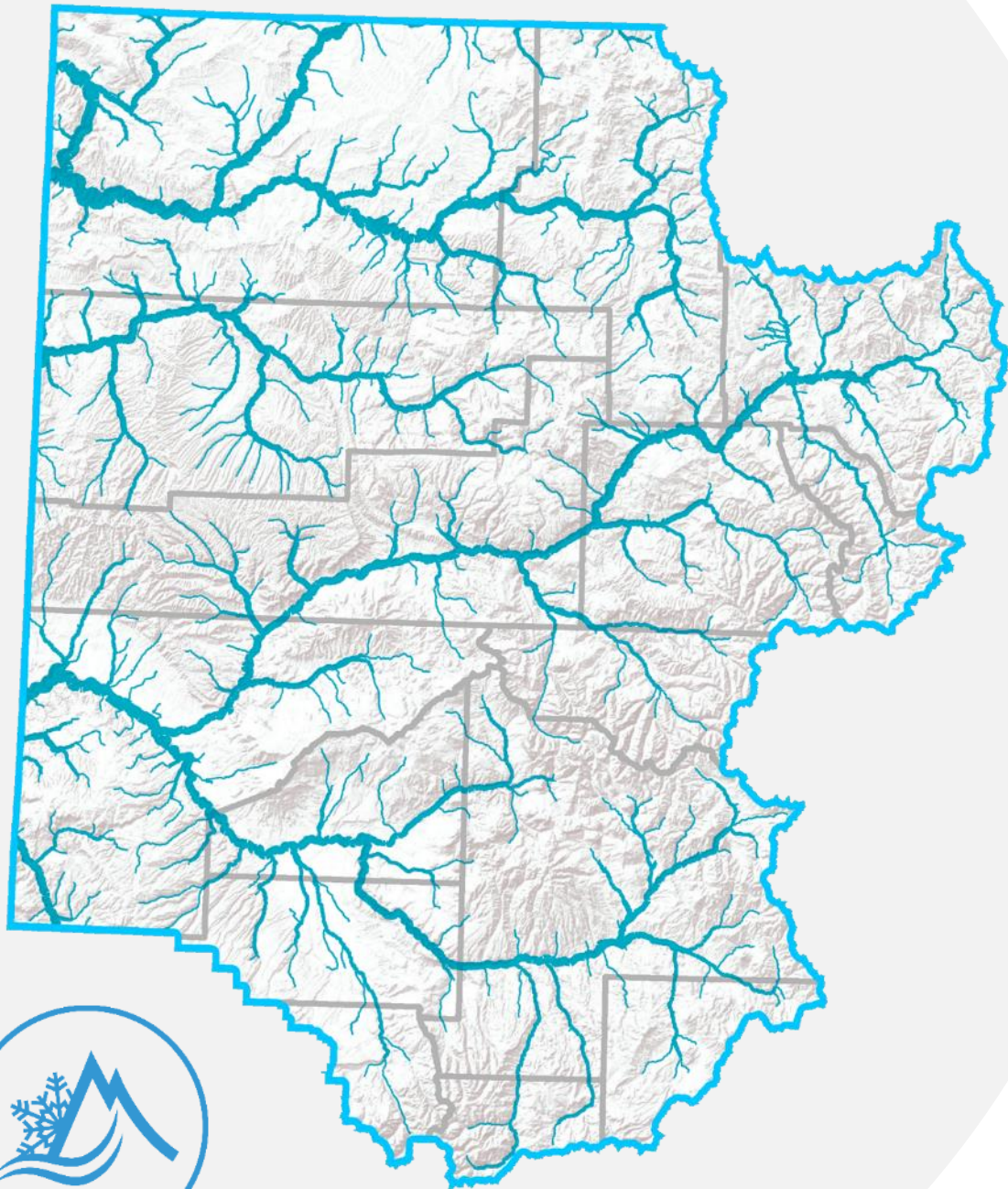


- CWCB's findings are subject to judicial review in the water court based on the board's administrative record and utilizing the deferential Colorado APA standard.

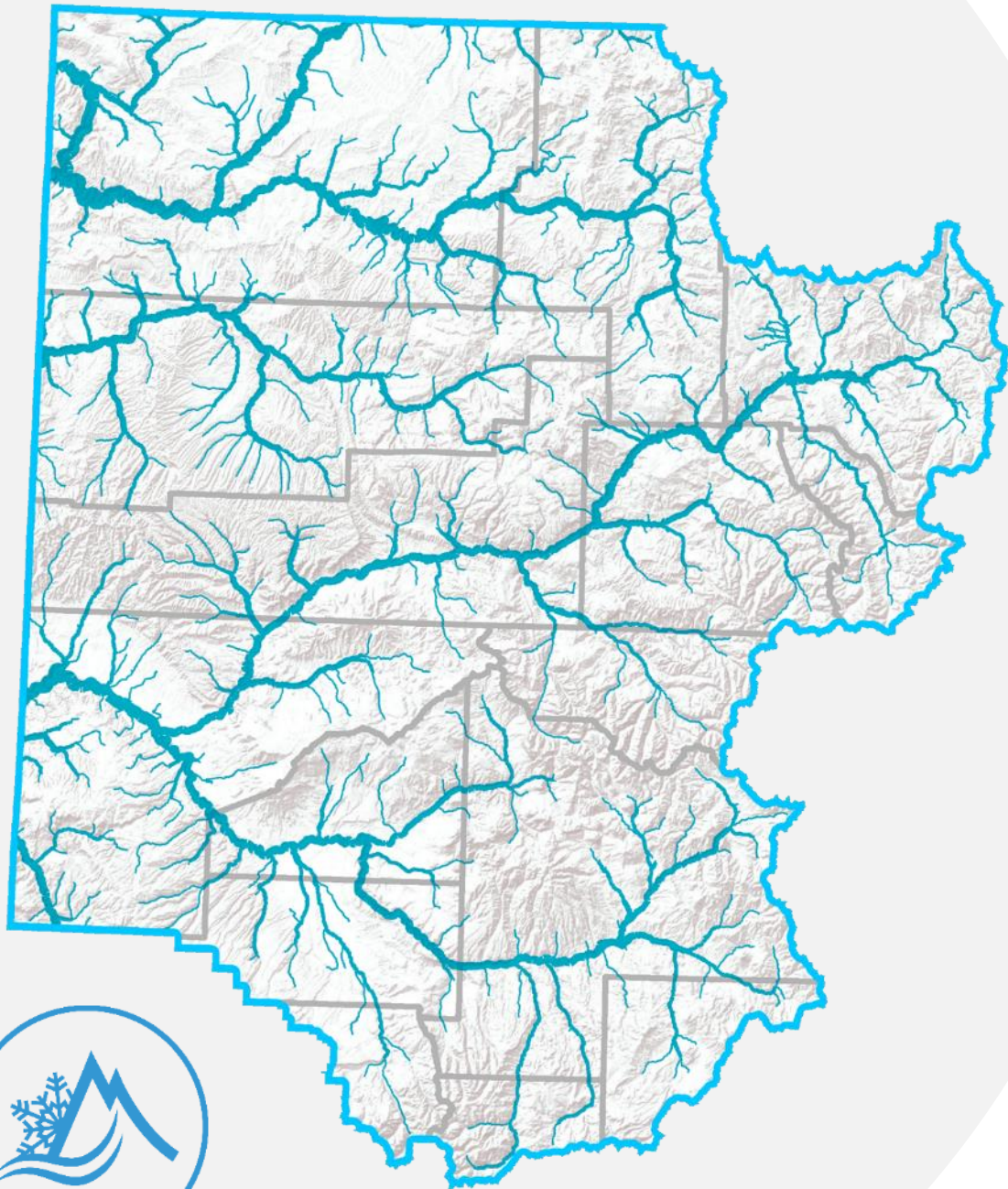




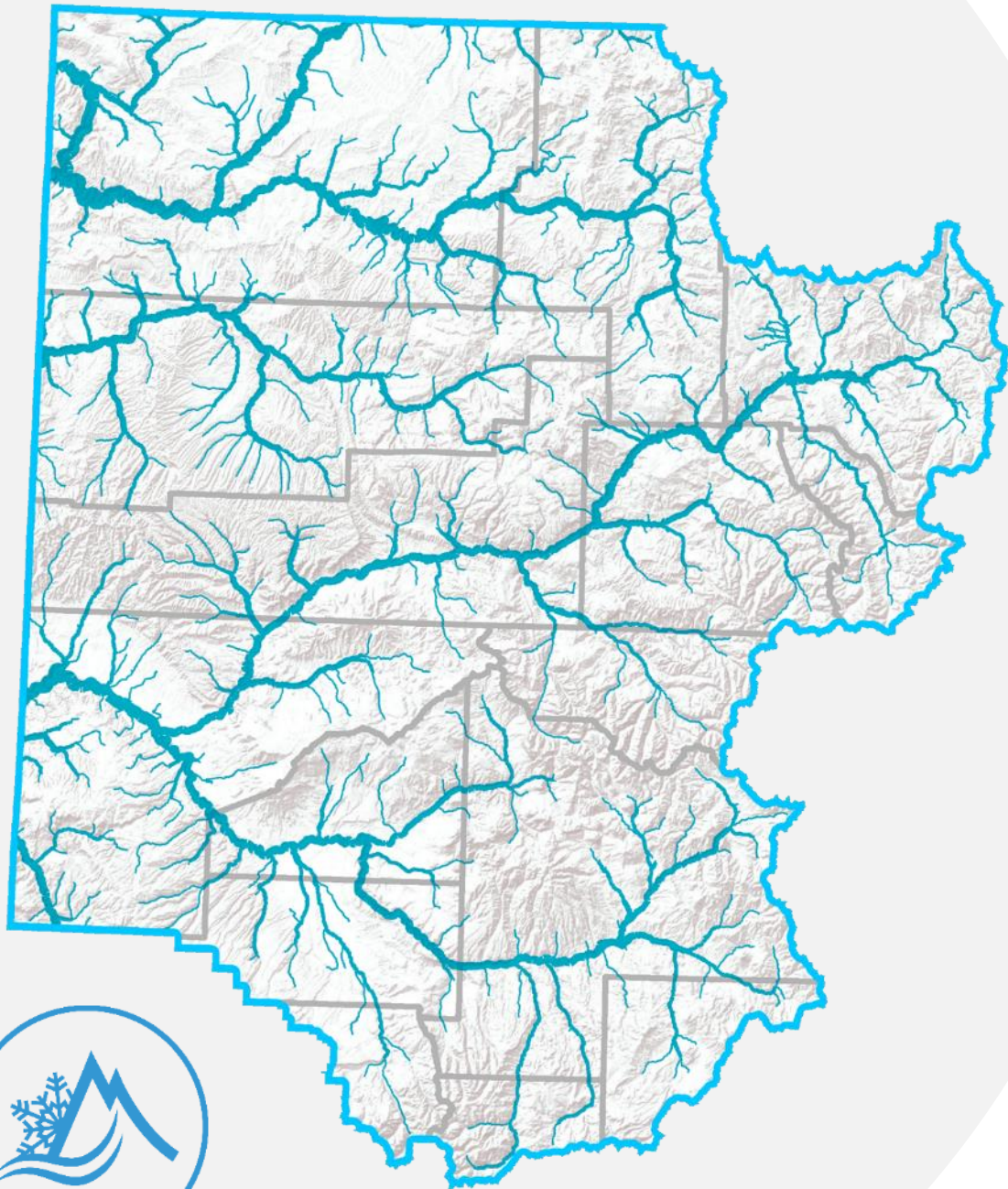
- CWCB administrative process:
- Notice of Proposed ISFs
- Declaration of Intent
- Contested ISF Hearing
- CWCB three statutorily required findings
- Authorization for staff to file ISF application in water court



- New big player and “friends” into administration of the river
- Changes of water rights
- Junior exchanges
- Pre-existing undecreed uses and exchanges
- CWCB ISF Acquisition Program – Junior or Senior water rights



- The River District supports the CWCB's 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.



- Storage releases for piscatorial or recreational use
- In-Channel Municipal Use
- Cooperative Agreements between water user organizations to manage stream flows for the benefit of the natural environment



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