

COLORADO RIVER RECOVERY PROGRAM
FY 2012 ANNUAL PROJECT REPORT

RECOVERY PROGRAM
PROJECT NUMBER: 70

- I. Project Title: Colorado's Instream Flow Protection
- II. Bureau of Reclamation Agreement Number(s): N/A
- III. Principal Investigator:

Michelle Garrison
Colorado Water Conservation Board
1313 Sherman St., Rm 721
Denver, CO 80203
(303) 866-3441 x3213
(303) 866-4474 Fax
michelle.garrison@state.co.us

- IV. Abstract:

The purpose of this activity is to provide instream flow protection as necessary for the endangered fishes of the Upper Colorado River Basin. It entails detailed coordination between Recovery Program agencies as well as other interested parties, water users and environmental interests. All protection is done in accordance with Colorado water law, including the CWCB instream flow rules and regulations and the UCRRIP Enforcement Agreement as applicable.

Protection of flows within Colorado for the benefit of the endangered fishes was originally intended to be accomplished through instream flow water rights. Instream flow water rights for the Colorado and Yampa rivers were filed in 1995, but withdrawn in 1999 due to concerns expressed by several Program participants, including the USFWS. There is currently not consensus on methodology for determining and protecting appropriate flow amounts through the instream flow water right process. Since 1999, several other methods have been utilized to provide protection of flows during peak runoff and summer low flow periods for Recovery Program purposes on the Yampa, Colorado and Gunnison rivers.

Colorado will continue to work with other Program participants to protect flows through multiple methods. The necessity and process of protection through instream flow water rights will continue to be evaluated on a regular basis.

- V. Study Schedule: 1998 - 2023

VI. Relationship to RIPRAP:

Develop and select methods for modifiable protection of instream flows in Colorado.

Develop, evaluate and select, as appropriate, options for interim protection of instream flows until uncertainty concerning habitat needs and water availability can be resolved. Evaluate need for instream flow water rights, assess legal and physical availability of water, assess compact considerations, five-year periodic review of progress to determine if instream flow filings are necessary. Evaluate how identified flows will be legally protected, then appropriate and adjudicate in water court if necessary.

General: I.B., I.C.

Yampa and Little Snake Rivers: I.B.3.d., I.C.3.d., I.D.2.d

White River: I.C., I.D.4, I.E.1.

Colorado Mainstem: I.A.4., I.A.5., I.B.2, I.B.3, I.B.4.

Gunnison River: I.B.4, I.C.1.a, I.C.2

VII. Accomplishment of FY 2012 Tasks and Deliverables, Discussion of Initial Findings and Shortcomings:

In 2012, Colorado participated in the following water-related activities involving various types of flow protection:

- 1) Flows for the 15-Mile Reach through contract deliveries from several upstream reservoirs for improved baseflow conditions.
- 2) The voluntary bypass of reservoir inflows in a coordinated fashion to enhance spring peak flows for channel maintenance in the 15-Mile Reach.
- 3) Participation in the Aspinall Reoperations EIS process to evaluate the ability of the Aspinall Unit to help meet the Flow Recommendations for the Gunnison River.
- 4) Extensive involvement in the Elkhead Reservoir Enlargement process to supplement primarily base flows in the Yampa River downstream of Craig, Colorado.
- 5) Participation in the "10825" process to provide water to the 15-Mile Reach in partial replacement for water released from Ruedi reservoir.
- 6) Contribution of funds to support improvements to the Orchard Mesa Irrigation District to benefit irrigation-season flows in the 15-Mile Reach.

The State of Colorado continues to assist in meeting Recovery Goals that will maintain Sufficient Progress for the Recovery Program. Colorado Parks and Wildlife, while it has completed the research effort requested of it several years ago, will continue to review research efforts and alternative methods for providing instream flow protection and the development of recommendations.

VIII. Recommendations:

It is recommended that the State of Colorado continue to participate in all activities concerning flow protection for the endangered fish in the Upper Colorado River basin.

IX. Project Status:

Although there has been a change in the preferred method of flow protection, protection of flows is occurring and this project should be considered on track and ongoing.

X. FY 2012 Budget Status

- A. Funds Provided: \$40,000 in-kind services
- B. Funds Expended: \$40,000
- C. Difference: \$0
- D. Percent of the FY 2012 work completed, and projected costs to complete: N/A
- E. Recovery Program funds spent for publication charges: \$0

XI. Status of Data Submission (Where applicable): N/A

XII. Signed: Michelle Garrison 11/19/12
Principal Investigator Date