

Water Rights for Wetlands/ Environmental Projects

Keeping our ducks in a row....

History

- Original rights for domestic,
- mining and agriculture.
- Environmental consciousness came about late in the appropriation game.
- 1973 CWCB ISF program (CRS 37-92-102(3))
 - “...protect the environment to a reasonable degree....”
 - Donation Program



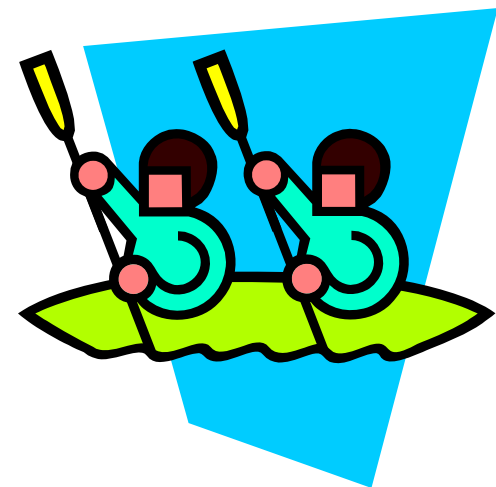
Status

- CWCB program
 - 1500+ stream segments
 - 8500+ miles streams
 - 476 natural lake levels
 - 21 donations
- Legal status as a water right
 - Protect from impairment in water court
 - Administered by DWR as other water rights



RCID's

- Recreational In-Channel Diversions
 - Appropriated for recreation
 - Also helps protect environmental values
- Review by CWCB
- Decreed by water court
- Administered by DWR

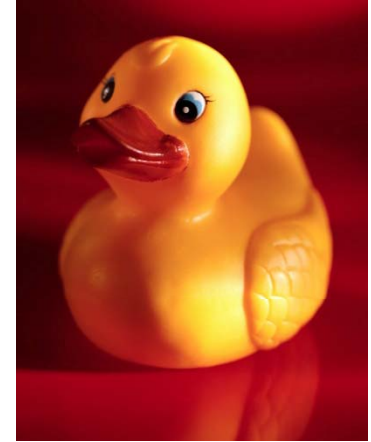


Piscatorial

- Colorado has long recognized piscatorial uses
- Fish rearing facilities decreed many years ago
- Environmental purposes?



Wetlands



- Irrigation practices
 - Historic practices recognized
- Decreed wildlife/wetlands purposes
 - USFWS and DOW have appropriated for these
 - Both have purchased and converted water rights
- Grey areas...
 - When is it irrigation of wetland plants?
 - When is it floating ducks....?
 - When do you need to make a change?????

Other Environmental

- Mitigation banking or 1:1 replacement
- Federal rights
 - USFS
 - Wild and Scenic
 - All go through State Water Court for adjudication.
- Changes over 1000 af
 - Court can consider water quality....(an environmental and cultural consideration)

Recognizing other benefits?

