

**Voluntary Instream Flow Loan Bill**  
**HB19-1218**  
**Sponsor: Rep. Dylan Roberts**

**Background:** In 2004, state lawmakers passed SB 04-032 to authorize temporary loans of water, from a water right holder to the state's instream flow program. An instream flow protects flows between specific points on a river, to preserve or enhance the natural environment.

Under the program, the Colorado Water Conservation Board ("CWCB") may accept temporary loans of water rights to stay in rivers if the State Engineer determines there will be no harm to the existing water rights of others.

A good example of this program's benefits can be seen at Tomichi Creek in the Gunnison River Basin. During 2015, a local rancher used some of his allotted water during the first part of the growing season, but during the dry months of July and August he temporarily and voluntarily loaned water to the state, ensuring that flows remained in Tomichi Creek. This prevented the creek from drying up and benefited fish migration by establishing connectivity along the creek. It is a "win-win" for all of the players involved.

Why we need HB 19 - 1218 - This bill will extend protections of rivers and eliminate barriers that are limiting participation, which are:

- Participation can only occur 3 out of 10 years.
- Participation is only available for one ten-year period of time. Loans cannot be renewed.
- Participation is limited to rivers where the Colorado Water Conservation Board holds an existing decreed instream flow right.
- Loan amounts are limited to the "minimum [water amount] required to preserve the environment to a reasonable degree." This prohibits parties from voluntarily loaning larger volumes that rivers may need.

**What the bill does:**

- Adjusts the amount of time a user can participate from 3 out of 10 to 5 out of 10 years.
- Allows water right owners to renew participation in the program.
- Provides more flexibility by removing the minimum water amount limit, and instead allows loans to be made that *improve* the natural environment.

PLEASE VOTE YES ON HB19-1218

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