

## Water Law & Policy Monitor™

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### Water Rights

## Novel Rights Agreement Reached to Protect River Flows in Colorado's Gunnison Basin



By Tripp Baltz

April 24 — Two water entities in Colorado have finalized what is being hailed as a novel agreement under which the same water rights will be used in one season to restore stream flows and in another season to provide water to irrigate crops in the Gunnison River Basin.

The Colorado Water Conservation Board and the Colorado Water Trust signed the deal April 23, the first of its kind in the state, James Eklund, board director, told Bloomberg BNA April 24.

"This is a split-season water right for multi-beneficial uses—irrigation and environmental benefit," Eklund said in a phone interview. "We're hoping this will be a template for similar agreements involving agriculture and conservation going forward."

The agreement now must be approved by a water court, he said.

### Diversions to Continue

Under the deal, up to 5 cubic feet per second of water that historically has been diverted by the McKinley Ditch out of the Little Cimarron River to irrigate the adjoining ranch will continue to be diverted and applied to the ranch through mid-summer.

After that, the water will be left in the river for instream flow use that will have ecological benefits. The project aims to keep water flowing through a five-mile stretch of the Little Cimarron that historically saw low or no flow during the late summer and early fall due to the water rights diversions.

"The Little Cimarron River project offers a pioneering opportunity to provide streamflow and ecological benefits for the Little Cimarron River while keeping agricultural lands in production," the Colorado Water Trust said in a statement.

The trust in January purchased 1.5 shares in the McKinley Ditch, which diverts from the Little Cimarron River approximately 20 miles east of Montrose in the Gunnison Basin.

The Little Cimarron is a tributary of the Cimarron River and Gunnison River in Gunnison and Montrose counties.

### Wild Trout Stream

The Little Cimarron originates in the Uncompahgre Wilderness Area and is managed as a wild trout stream by Colorado for several miles above the area where agricultural uses have occurred for more than 100 years.

Restoring flows in the Little Cimarron will re-establish habitat connectivity, an important component of a healthy river, the board said.

"This permanent, split use of an instream flow is distinctive because it acknowledges and preserves the value of irrigated agriculture as well as the value of restoring flow to a local river," Linda Bassi, chief of the stream and lake protection section at the CWCB, said in a statement.

Under its Water Acquisition Program, the board can acquire water from willing water rights owners by donation, purchase, lease or other arrangement to include in Colorado's Instream Flow Program.

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