

## INSTREAM FLOW PROGRAMS IN WESTERN STATES: SUMMARY COMPARISON OF INSTITUTIONAL DESIGNS

State	Date implemented	Legal mechanism	Decision-making Process	Program Review
Oregon	1955	State legislature gave state authority to protect instream flows by establishing minimum flow quantities.	ISF quantification--> Technical review --> Public Review and Comment --> Adoption <sup>a</sup>	NK
Washington	1971	State legislation authorized the State Department of Ecology to reserve flows from appropriation and diversion.	ISF quantification--> Technical review --> Public Review and Comment --> Adoption--> Additional public and agency review <sup>a</sup>	NK
Colorado	1973	Senate Bill gave CWCB right to appropriate instream flow rights	ISF quantification--> Technical review --> Public Review and Comment --> Adoption--> Additional public and agency review <sup>a</sup>	CWCB also continuously monitor 70 stream gages via the state's SMS Alert System. Annual public workshops to request recommendations for streams and lakes to be protected.
Montana	1973	State Act established a reservation (instream flow water right) system	ISF quantification--> Technical review --> Public Review and Comment --> Adoption-->Periodic Assessment <sup>a</sup>	Every 10 years, water use reservations are reviewed, and every 5 years, the BNRC can modify an ISF reservation
Idaho	1978	State law declared minimum stream flow as a beneficial use	ISF quantification--> Technical review --> Public Review and Comment --> Adoption--> Additional public and agency review--> Legislative review <sup>a</sup>	NK
Alaska	1980	State legislature established instream flow law	ISF quantification--> Technical review --> Public Review and Comment --> Adoption-->Periodic Assessment <sup>a</sup>	NK
California	1984	State statute established protection of ISF	ISF quantification--> Technical review --> Public Review and Comment --> Adoption <sup>b</sup>	California Department of Fish and Game develops Annual Reports and Annual Workplans for the ISF Program
Kansas	1984	State Act recognized "Minimum desirable streamflows" (MDS) as protected. (1981 Act established idea of MDS; ISF water rights are not recognized)	MDS recommendation--> Technical review --> Public Review and Comment --> Approval --> Legislative review <sup>c</sup>	DFG studies 10 streams per year
Nebraska	1984	Legislative bill created the means needed to appropriate nonconsumptive streamflows.	ISF quantification--> Technical review --> Public Review and Comment --> Agency review--> If objections received, additional public and agency review--> Adoption--> Periodic Assessment <sup>c</sup>	ISF rights must be reviewed every 15 years
Wyoming	1986	State legislation recognized instream flow rights.	ISF quantification--> Technical review --> Public Review and Comment --> Adoption--> Additional public and agency review--> Legislative review --> Periodic assessment <sup>a</sup>	Permits can have condition for review of continuation at a future date; State dept. implements 5-year study plans to identify numerous streams and pursue an instream flow right for those streams.
Utah	1986	State legislation allowed for the appropriation of water for instream uses under certain conditions.	Application by Utah Division of Wildlife only--> Legislative review--> Approval <sup>c</sup>	NK

<sup>a</sup> From USFWS National Ecology Research Center, 1988

<sup>b</sup> Interpretation based on California Dept. of Fish and Game, 2012

<sup>c</sup> Interpretation based on Jackson, University of Nebraska, 2009

NK= Not Known