

**Colorado River Water Conservation District
Comments on second draft, Colorado Water Plan
September 17, 2015**

Compact Compliance:

The Colorado River District respectfully suggests the number one goal of the Water Plan (and the Conceptual Framework) should be continued compliance with Compacts and Equitable Apportionment decrees to which Colorado is party. Moreover, the Plan's goal with respect to the Colorado River should be avoidance of compact administration and curtailment under the compact.

The Colorado River is the river of statewide interest and use. The State has recognized that any impending Compact curtailment on the Colorado River is akin to a slow moving train, and if we fail to simply step off the tracks, we have no one to blame but ourselves. However, little is being done statewide to address the reality of declining hydrology and potential overuse on the Colorado River. Addressing this challenge is far more complex and challenging than simply "stepping off the tracks" and will require immediate, on-going and substantial investment of resources to ensure water users (statewide) of the Colorado River are never presented with the gloomy prospect of curtailing Colorado River basin water uses in response to a Compact compliance order. Among the challenges currently facing Colorado is development of a broad-based consensus to prioritize avoidance of curtailment as well as proactively preparing for an unavoidable curtailment order.

While specific mention of a "programmatic approach" to Colorado River Compact compliance in "Critical Action" VI.d.5, is important and appreciated, absent additional state commitment, it is not sufficient. Similarly, treatment of both the importance in Chapter 9 of the challenges facing Colorado associated with Colorado River Compact compliance is insufficient to inspire the necessary action.

Colorado must commit to development of a broad-based consensus plan, if only on a contingency basis, for Colorado River Compact curtailment/compliance.

The Colorado Water Plan must also clearly outline both the importance of and Colorado's willingness to commit resources to intra and interstate collaborative efforts to avoid Colorado River Compact curtailment. The Plan mentions the state's involvement in exploring a compact water bank, which recognition we appreciate, but should be clearly recognized and described as predominantly a mitigation measure to address compact curtailment dislocations.

We support demand management programs on a pilot basis only at this time. The concept needs to be proven, impacts assessed, and a consensus plan developed before the System Conservation Program or similar efforts are institutionalized on a broader scale. We

support the recognition that demand management should be a measure of last resort. We believe the Plan should acknowledge that a reduction in consumptive uses (even on a temporary or rotating basis) generally equates with a reduction in agricultural production. We believe that the Plan should include additional direction that compensated reductions in agricultural production must also address the secondary impacts to the local communities.

Finally, the River District acknowledges and applauds the stated recognition, under the Compacts' Action section, that the burdens of compact compliance must be shared between native and non-native (basin) water users and multiple types of water uses.

Conceptual Framework:

The River District appreciates the countless hours and other resources reflected in the final draft version of the Conceptual Framework. Admittedly, there are elements of the Framework that we would prefer to edit but recognize there are others who would address those same edits in an opposite fashion. The revised draft is a significant improvement over earlier drafts, specifically the addition of definitions and discussions regarding terms such as “firm yield” and “insurance policy” – terms that will undoubtedly continue to be refined. **Accordingly, we believe the Conceptual Framework reasonably and accurately represents a “way forward” for constructive discussion about possible development of Colorado River basin water resources for out-of-basin use.**

In several places, the Plan refers to the Conceptual Framework still as a “conceptual agreement.” “Conceptual Framework” should be used consistently and exclusively.

Conservation:

Agricultural Conservation -

Agriculture is Colorado’s predominant user of water in the state; therefore, it is critical to include agriculture in the “conservation conversation.” Ag efficiency, however, cannot and should neither be viewed as a panacea nor as a monolithic strategy. Other water using sectors must aggressively pursue statewide conservation, especially municipal uses. Additionally, and more importantly, agricultural efficiency cannot be viewed as having an equally consistent or uniformly positive results regardless of location.

Ag efficiencies in many parts of the state will result in reduced base flows, violations of minimum stream flows, increased call periods, and other unintended but predictable outcomes. Some locations lend themselves well to agricultural conservation and efficiency practices, others do not, and a clear understanding and differentiation of the affected systems is essential. Different agricultural efficiencies result in reductions in diversions, evaporation, return flows – both immediate and delayed - and other historically non-consumptive uses. Other efficiencies result in reduced consumptive water use and others increased consumptive use.

The Plan must recognize that agricultural conservation and efficiency measures must be evaluated by type and location for potential benefits and impacts to the system as a whole.

The Plan must recognize that considerable financial, technical, and other resources are

required to realize the potential benefit from the broad topic of ag conservation.

The River District applauds the inclusion of “resilience” among the goals for Ag Conservation and Efficiency. If we truly wish to preserve our agricultural heritage and its many benefits, we must work cooperatively with the ag community to ensure they are as well prepared as municipal and industrial water users to weather prolonged droughts, compact curtailments, and other interruptions to a sustained water supply.

Municipal Conservation -

The River District endorses the adoption of the “stretch goal” for municipal conservation. We do this with the express recognition that many of our constituent municipalities have the most work to do. However, we believe the Plan should further define the stretch goal and augment chapter 10 with additional, related action plans.

Comparable measurements for water use and water conservation will continue to be a challenge in the state. Even our municipal uses are widely varied and location specific. Nevertheless, **the Action Plan should include establishment of a consensus measurements and reporting of municipal gallons per capita per day (GPCD) of municipal water use. Further, the Plan should include either a uniform numeric goal for GPCD or at the very least a goal of developing a consistent GPCD goal that is consistent with the statewide stretch goal for municipal conservation.**

Colorado is an aggressively local control state. While considerable resistance to uniform, statewide conservation goals are predictable, our hope is that they may be acceptable if **the means to achieve the municipal conservation goal(s) are expressly reserved for local community/utility/district decision-making and implementation.**

Land Use and Water:

The River District applauds the elevation and greater detail given to this threshold issue in the second draft. Institutionalizing a more formal tie between land use decision-making and water supply planning and water conservation is the next great challenge facing this state. This section of the Water Plan is constructive but must do more to raise the bar and advance this critical issue.

Additional specific goals and actions should be added to the final Plan. At a minimum, every municipality and utility, working with its associated land use authority(ies), should review and revise its land use codes to ensure inclusion of meaningful and effective water supply planning and conservation elements.

The Department of Local Affairs, working with the CWCB, should develop model land use plans/codes for water planning and conservation to be considered by all local land use authorities.

The River District does not wish to “demonize” lawn grass. However, outdoor landscaping is by far the greatest, single consumptive use of municipal water supplies. Accordingly, **the Plan must include specific, measurable goals for turf-related conservation.**

The Plan states that fewer than 50% of Colorado cities collect impact fees for water supply purposes, and only 5% of utilities charge conservation-oriented tap fees. The Action Plan should state numeric objectives, consistent with the stretch goal, for municipalities’ land use and development approval processes.

Table 5-2 provides a thorough and instructive recitation of residential demand management strategies. **Chapter 10 would benefit from a reproduction of Table 5-2 with the numeric goals listed for each measure that are implicit in or supportive of the stretch goals.**

Reuse:

Reusable water is a tremendous future supply alternative but may be too expensive for some of the smaller utilities to realize. The opportunity for grants mentioned in III.b. of Chapter 10 is welcomed, but **Chapter 10 should include provision of technical assistance as well as assistance with creating partnerships to take full advantage of reusable water supplies.**

Additionally, the Critical Actions to encourage reuse can be read to be exclusively focused on *regional* reuse. **The language in III.b. should be expanded to clarify that individual, as well as regional and shared reuse, are included in these Critical Actions.**

The CWCB should commit to identifying reusable water supplies along with an estimate of costs and legal and institutional barriers to implementation.

Stream Management:

The River District concurs with and endorses the Action Plan to “provide \$1 million annually to support stream management and watershed plans.” However, we find the Action item in V.c.1. to “Develop stream management plans for priority streams . . . having environmental or recreational value” to be unnecessarily limiting. **The Critical Actions in this section should be clarified to include any and all streams identified by the local roundtable as needing or potentially benefitting from a stream management plan.** We can think of few streams that would not benefit.

This section should also include a recognition of the need for stream management plans far outstripping the available resources and include a commitment for the CWCB to provide technical and other assistance in securing non-state funding resources.

Future of Roundtables:

The River District believes that the roundtables have, to date, and should continue to be the focus of continued success for the House Bill 05-1177 process. Additionally, the final Plan should clearly state the state’s intent to continue to rely on the roundtables as the primary priority setting, policy establishing, project identifying, and action-coordinating entity for initiatives affecting that basin.

Although broadly suggested throughout the Plan, we believe the Plan would benefit from a clear, declarative policy statement (in Action Plan VI.a.? and Chapter 11) that it is the state's desire and intention to continue the work of and support for the basin roundtables.