



“Show Me the Water” ... and Beyond

Emerging strategies to ensure adequate water for
new development in the western U.S.

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What's the problem?

- “High and dry” subdivisions
- Surprise costs for homeowners
- Unintended growth impacts
- Uncertain future conditions
- Sustainability



Key goals of assured-supply laws

1. Consumer protection: No surprises
2. Community/ratepayer protection: Adequate infrastructure, paid for by developer
3. Environmental protection: Funnel growth to appropriate areas with sufficient water



Colorado's basic "show me" law

CRS 30-28-133 Subdivision regulations

(3)(d) County subdivision regulations shall require subdividers to demonstrate "Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed."

(6) Preliminary plan or final plat subdivision submission must include "Evidence to establish that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed."



H.B. 1141 extended this option to municipalities – with some conditions

CRS 29-20-303 Adequate water supply for development

A local government shall not approve an application for a development permit unless it determines in its **sole discretion**, after considering the application and all of the information provided, that the applicant has satisfactorily demonstrated that the proposed water supply will be adequate. . . . A local government shall have the discretion to determine the stage in the development permit approval process at which such determination is made.



H.B. 1141, cont'd

CRS 29-20-304(1) [Water adequacy report must include:]

- (a) An estimate of the **water supply requirements** for the proposed development through build-out conditions;
- (b) A description of the **physical source of water supply** that will be used to serve the proposed development;
- (c) An estimate of the amount of **water yield** projected from the proposed water supply under various hydrologic conditions;
- (d) Water **conservation measures**, if any, that may be implemented within the development;
- (e) Water **demand management measures**, if any, that may be implemented within the development to account for hydrologic variability;
and
- (f) Such other information as may be required by the local government.



Widely varying standards

MT: No definition of “adequate water availability”—and self-reported

CO: Water yield must hold up under “various hydrologic conditions”—professional assessment

CA: Water availability assured “during normal, single-dry, and multiple-dry years within a 20-year projection”—linked to mandatory water plans



Widely varying planning horizons

- Arizona: 100 years
- California: 20 years
- Most states: no defined planning periods



Beneficial outcomes

- Consumers are receiving protection—dry developments turned down
- Coordinated planning—especially when criteria link to water planning processes
- Biggest benefit appears to be conservation incentives—developers adding efficiency up front



A few cautions

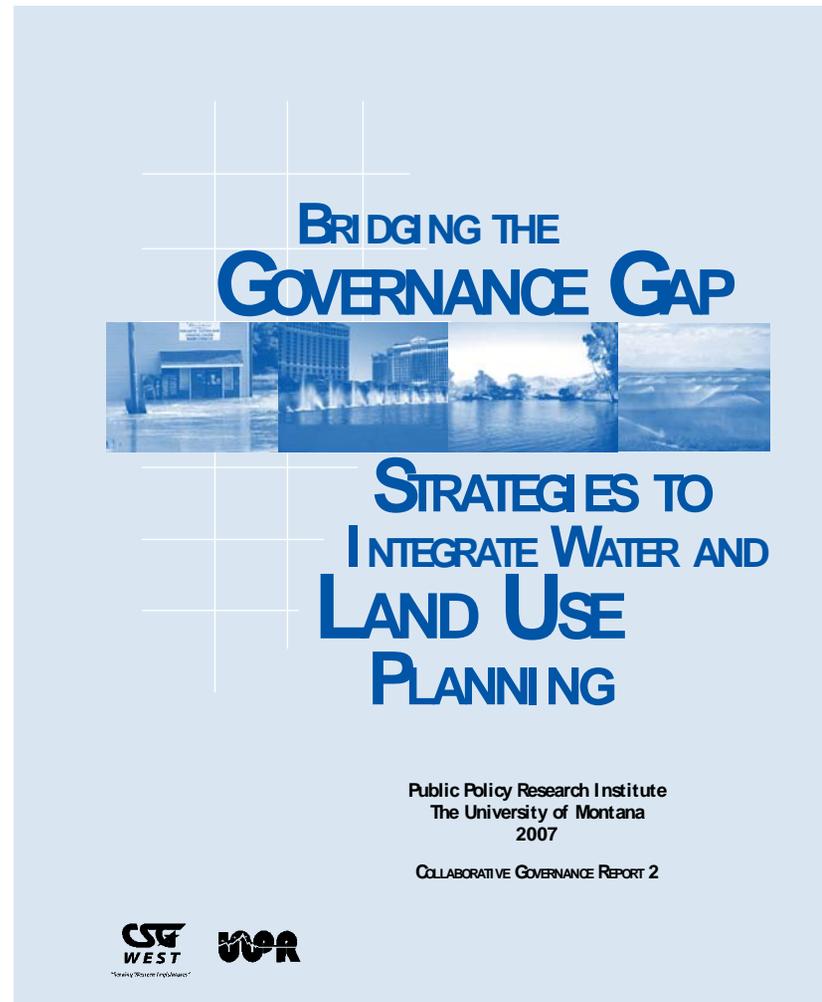
- Exceptions may swallow the rule
- May lead to groundwater mining or dried-up farmland
- Some added costs to homebuyers
- “False assurance” of sustainability
- No direct limitation on sprawl



The ideal “show me” law

- Long planning horizon: 50+ years
- Analyze impacts and alternatives
- Public participation: highlight choices
- Davies criteria:
 - Compulsory
 - Stringent
 - Universal
 - Granular
 - Interconnected

2007 Report: New updated version
will be available in 2011





For more information

- See references in handout
- See reports and resources at our website:
 - <http://cnrep.org/>
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