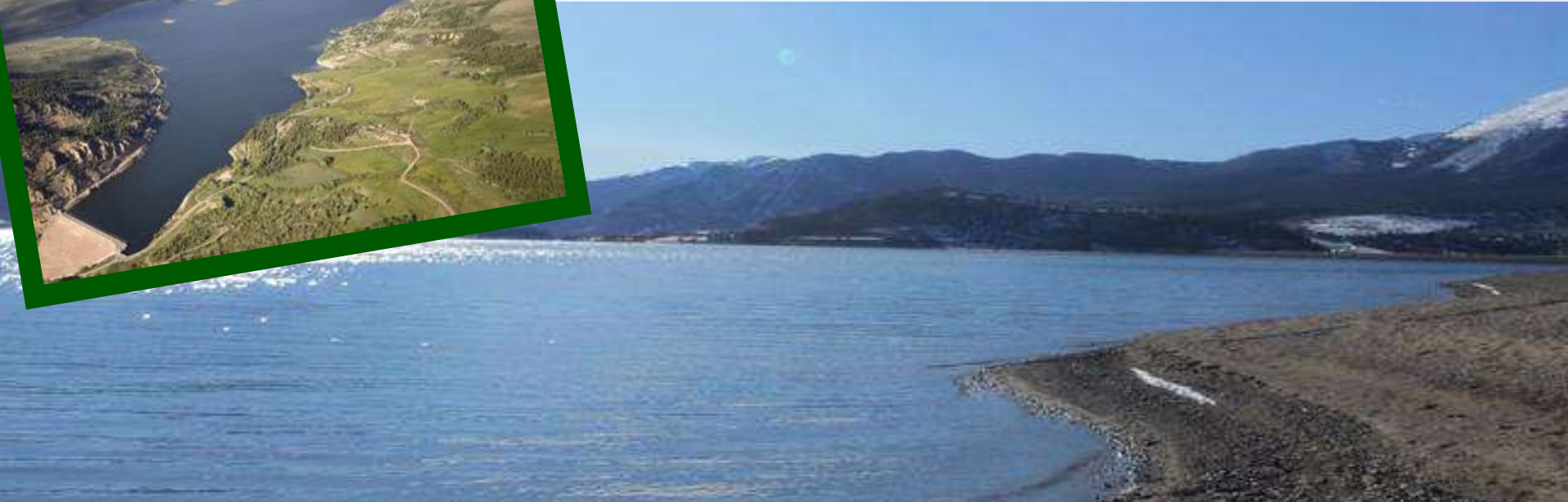


The Colorado River: Intergovernmental Agreements



2013 Annual Land Use Conference
ROCKY MOUNTAIN LAND USE INSTITUTE
Mar. 8, 2013 - Univ. of Denver



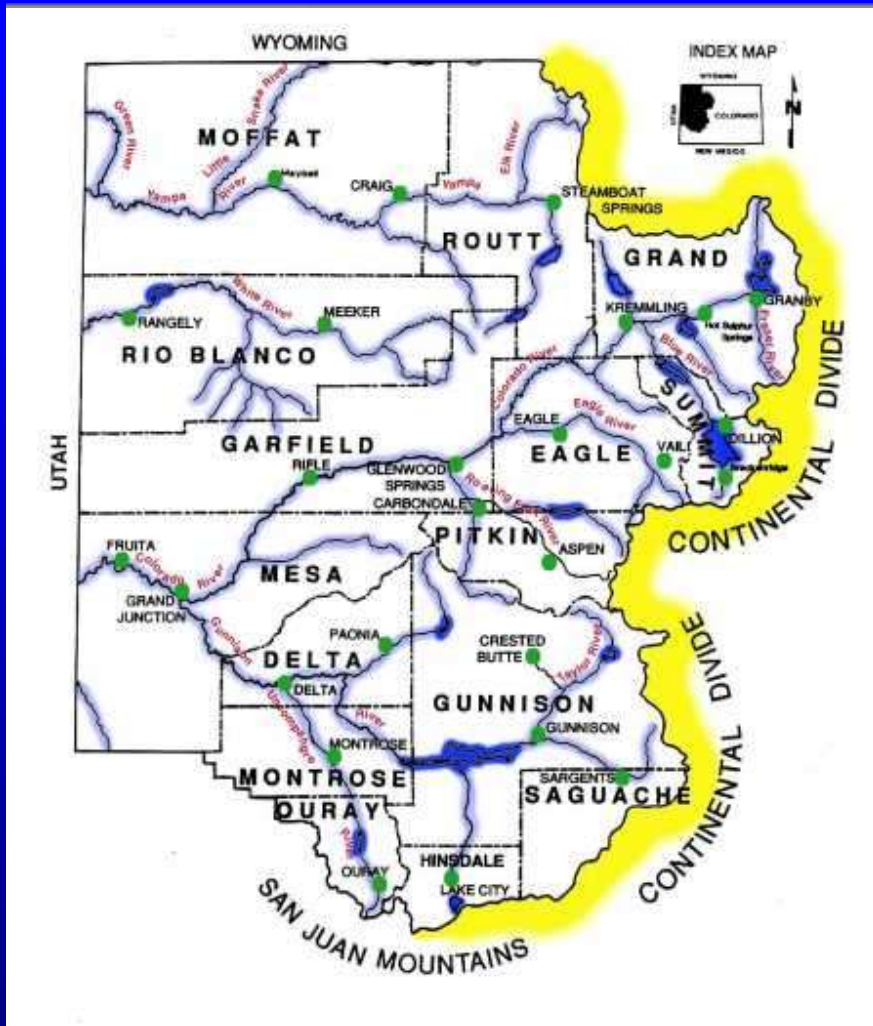
Eric Kuhn, General Manager

Colorado River District



Protecting Western Colorado Water Since 1937

Colorado River District



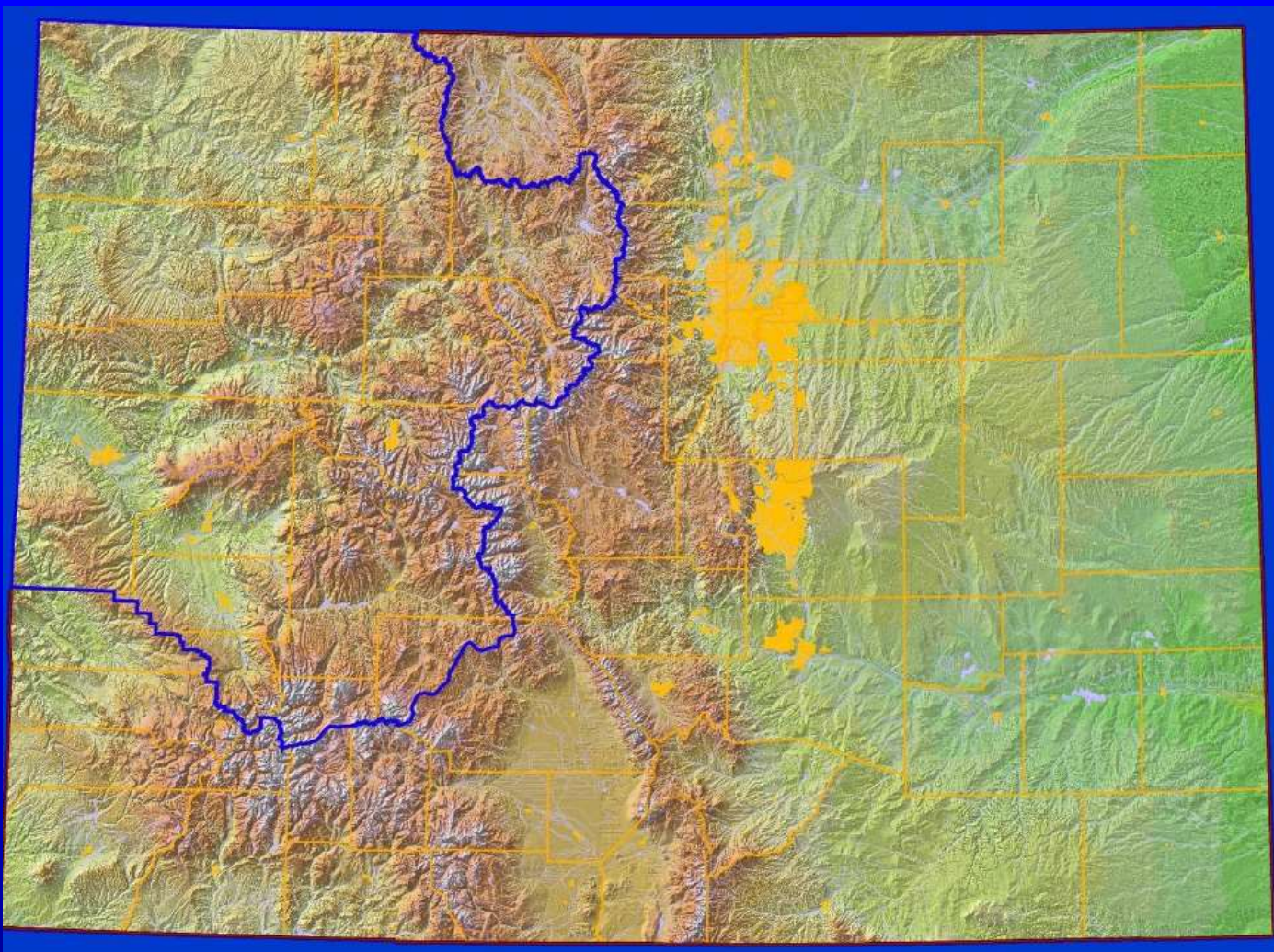
Formed 1937– state statute

**15 counties west of
continental divide**

15 board directors one
county, one vote

**Mill levy & water activity
enterprise**

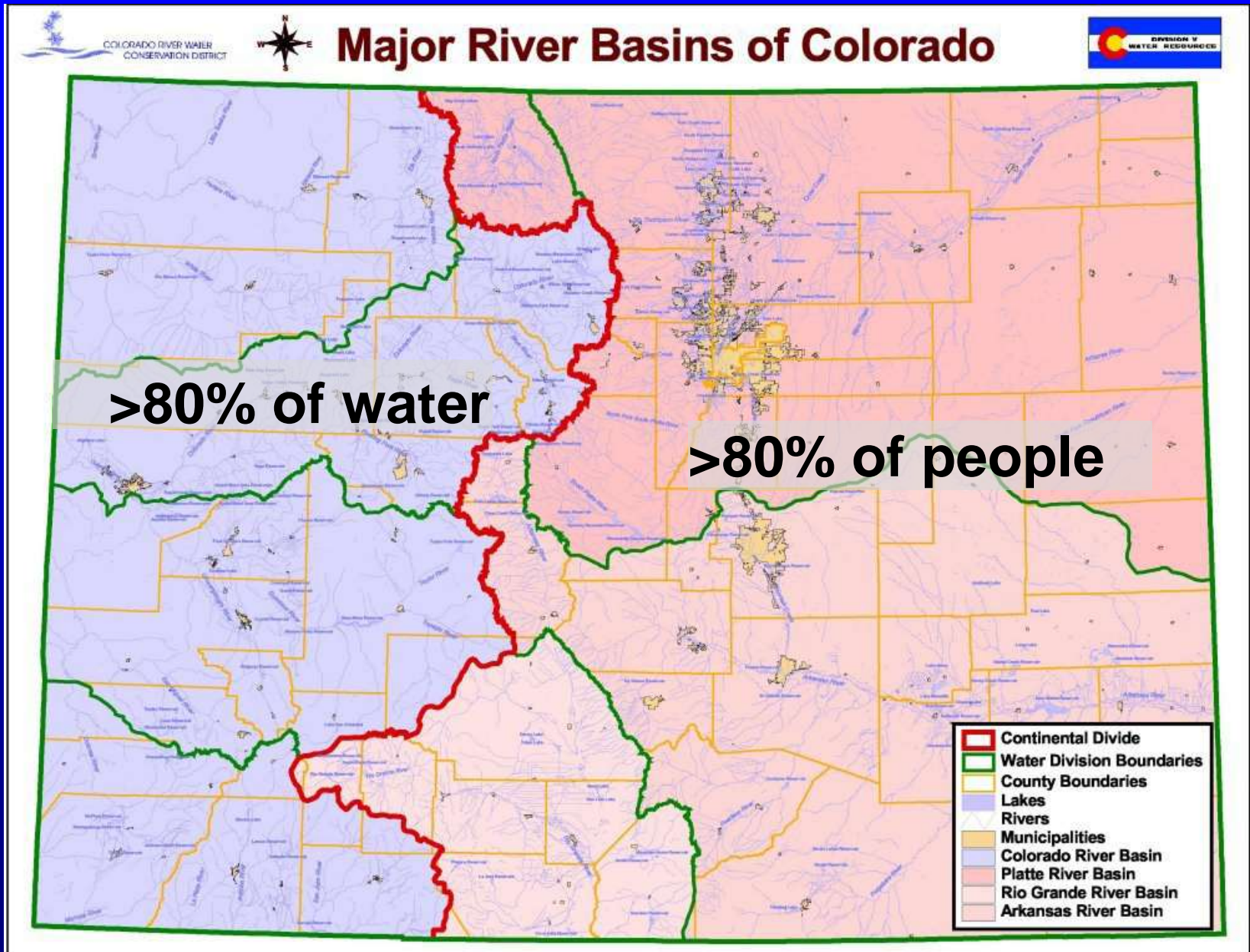
One of 2 west slope,
4 statewide conservation
districts



COLORADO RIVER DISTRICT MISSION:

To lead in the protection, conservation, use and development of the water resources of the Colorado River basin for the welfare of the District, and to safeguard for Colorado all waters of the Colorado River to which the state is entitled.

Conflict



Historical West Slope Perspective

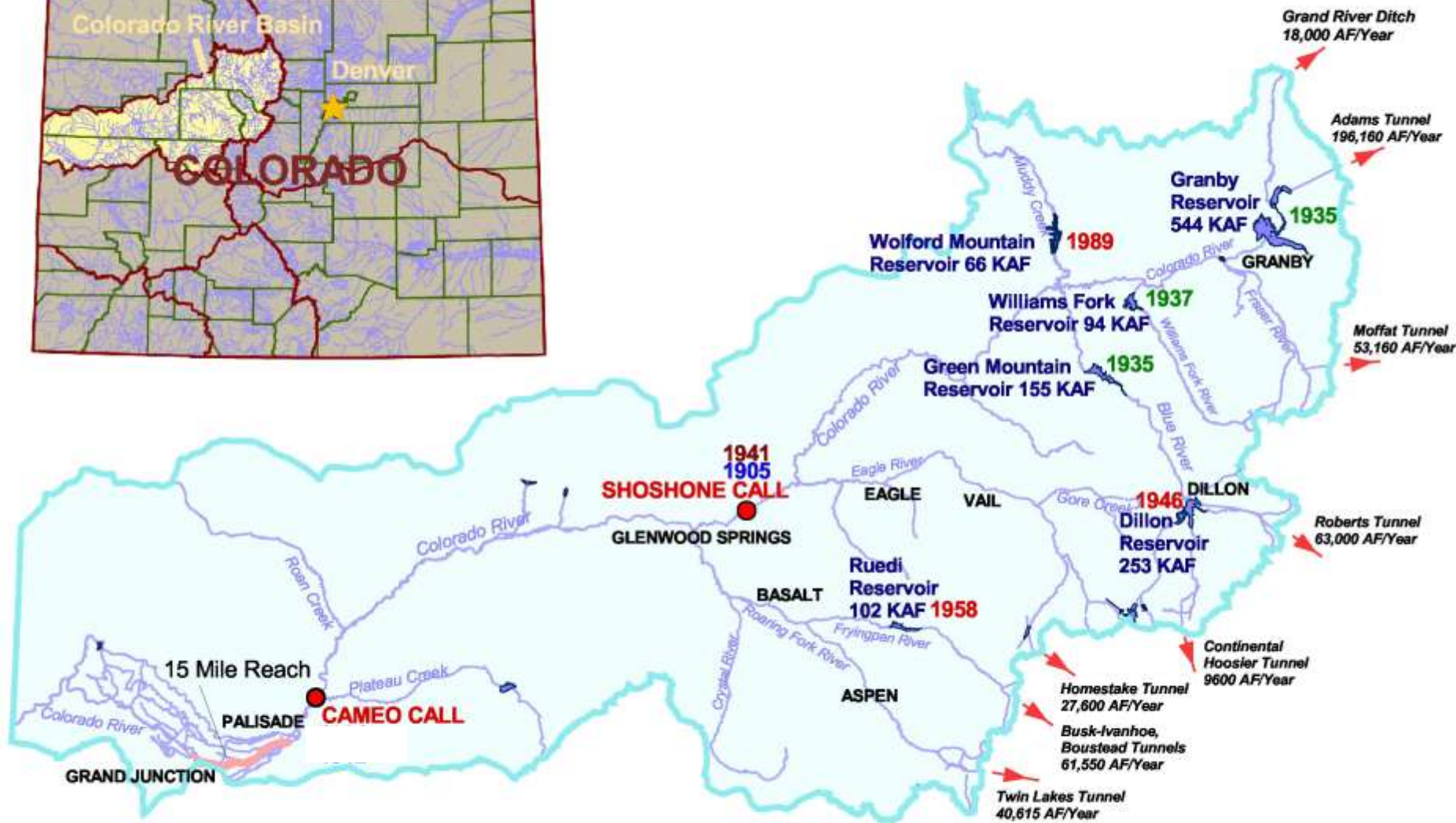
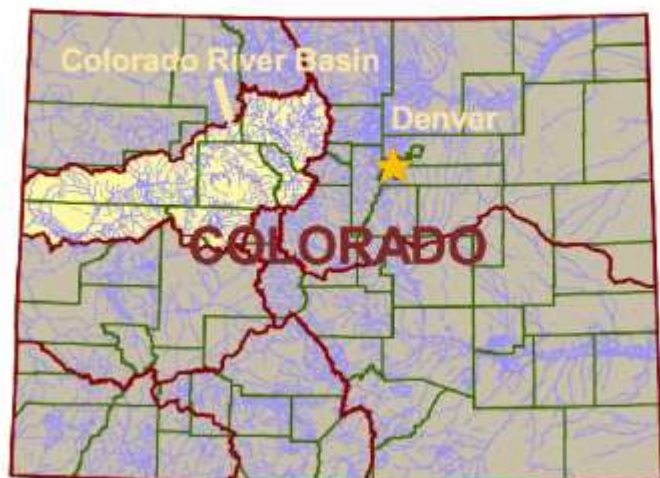


West Slope

Front Range



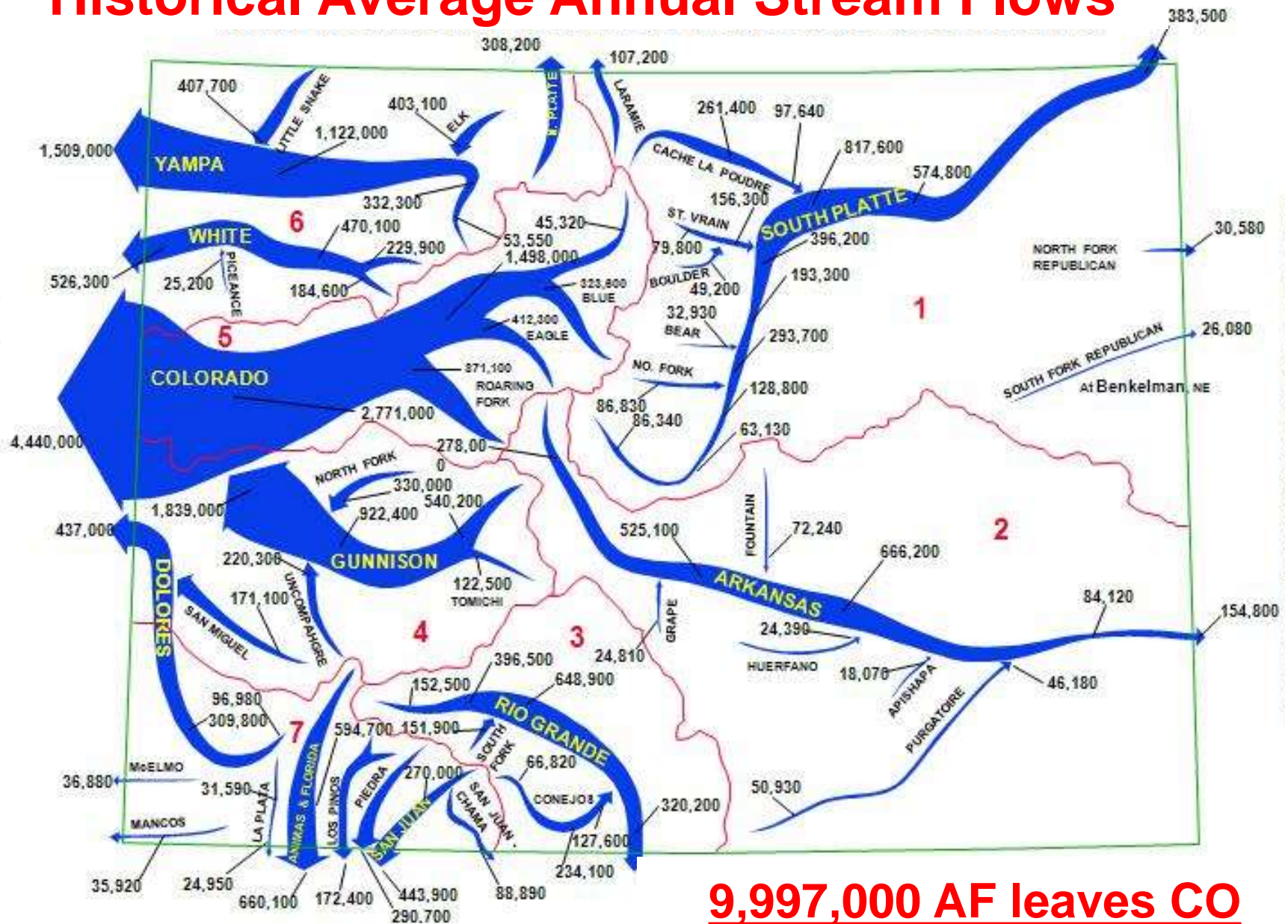
Colorado River Basin



Historical Average Annual Stream Flows

toward Pacific: 8,666,000 acre feet

toward Atlantic: 1,331,000 acre feet



revised: 2011

Colorado Division of Water Resources

What led to the CRCA?

1950's Denver Water found need for another major water source and built Dillon Reservoir on the Blue River and upstream from Bureau of Reclamation's Green Mountain Reservoir



Legal disputes ensued over whether Dillon water rights were junior or senior to Green Mountain

Litigation continued for 50 years without clear resolution on these “Blue River Decrees,” including dispute over the use of Blue River water beyond Denver’s designated service area

What else led to the CRCA?

2002-03 drought highlighted Denver's need & desire for more water & to enlarge their Gross Reservoir

2006 Denver filed diligence on conditional Dillon water rights & began permitting process for Gross



2006 Colorado River District and other West Slope parties developed alternative proposal to traditional project permitting

2007 Denver rejected proposal & submitted their own alternatives which the West Slope rejected

Execution of the CRCA

2007 negotiations with a mediator between major West Slope players & Denver began & continued for 5 years

April 2012 Gov. Hickenlooper announces proposed CRCA

Full execution of the 50-page (120-pgs attach) agreement is on-going



Implementation complicated but encouraging



Full report, summary, presentations, press coverage, images, videos & more visit: **ColoradoRiverDistrict.org**



"...solution we should strive for in our water challenges."

SEN. UDALL

"...cooperative agreement marks significant step ..."



SEN. BENNET

West Slope Interests

- **Protect and restore streamflows**
- **Secure water for future consumptive use**
- **Resolve Blue River Decree issues**
- **Protect recreational assets**



West Slope Interests

- Preserve the Shoshone flow regime
- Stress East Slope conservation & reuse
- Define the Denver Water service area



Key Provisions

Denver Water:

- fixes its service area
- commits to further conservation & reuse
- provides \$25 million & up to 2,000 acre feet of enhancement water
- allows for further consumptive use in Grand & Summit Counties

More Key Provisions

Denver Water:

- agrees to no further water development from the Colorado River basin absent West Slope consent
- agrees to participate in the Shoshone Outage Protocol

All parties agree to a Green Mountain Reservoir administration settlement

More Key Provisions

- **Denver Water and contract holders agree to West Slope “abstentions”** (see subsequent slides)
- **WISE Project and leases provide a future West Slope revenue stream**
- **West Slope and Denver agree to a Blue River Decree Settlement**
- **Moffat System Project**

West Slope Abstentions

- Applies to entities outside Denver's Service Area that contract for water from Denver
- Permanent within Water Div. 5 (above the Gunnison/Colorado confluence)
- Temporary in Water Div. 4, 6, & 5 (below the Gunnison/Colorado confluence)

Div. 5 Permanent Abstention

Abstain permanently from pursuing or participating in any project that would result in any new depletion from Water Div. 5 (above the Gunnison/Colorado confluence) except Eagle River MOU projects

Abstain from seeking formal approval of any aspect of a project in a regulatory or judicial

Various planning activities such as feasibility studies are not prohibited.

Temporary Abstention

Abstain from pursuing or participating in any project that would result in diversions from the Colorado River Basin within Water Div. 4 & 6, or downstream from the Gunnison/Colorado confluence in Water Div. 5 for a period of 25 years (which period may be modified).

**What does the
CRCA signify
for Colorado's
land use picture?**

Important points

Colorado water politics have always been about land use

East Slope - TMD's slated to support new urban land development & supplemental irrigation demands

West Slope - firm up existing agricultural supplies and open up new lands for "reclamation"

HB-1177 IBCC Roundtable Process

Large gap in future Front Range demands vs supply - Denver in relatively good shape

Building consensus to "preserve" Colorado's agricultural economy

Available choices: conservation, reuse, new supplies, agricultural conversions

**What about "smarter growth?"
Grow up not out!**

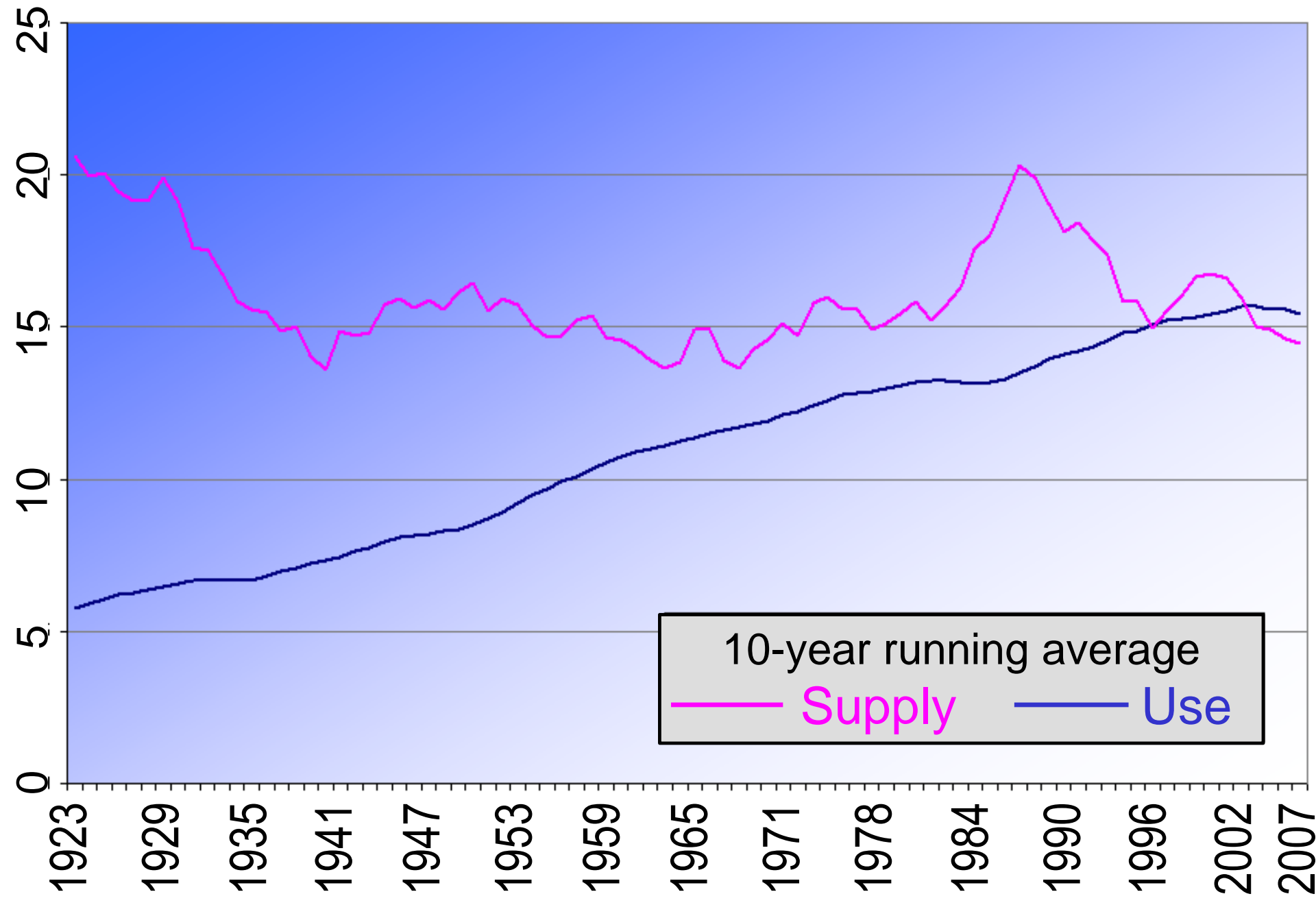
New Supplies

Long standing perception is that Colorado has a lot of Colorado River water left to develop

Is this really true?

It depends on the hydrology – with climate change – probably NO

Basin Water Supply and Water Use

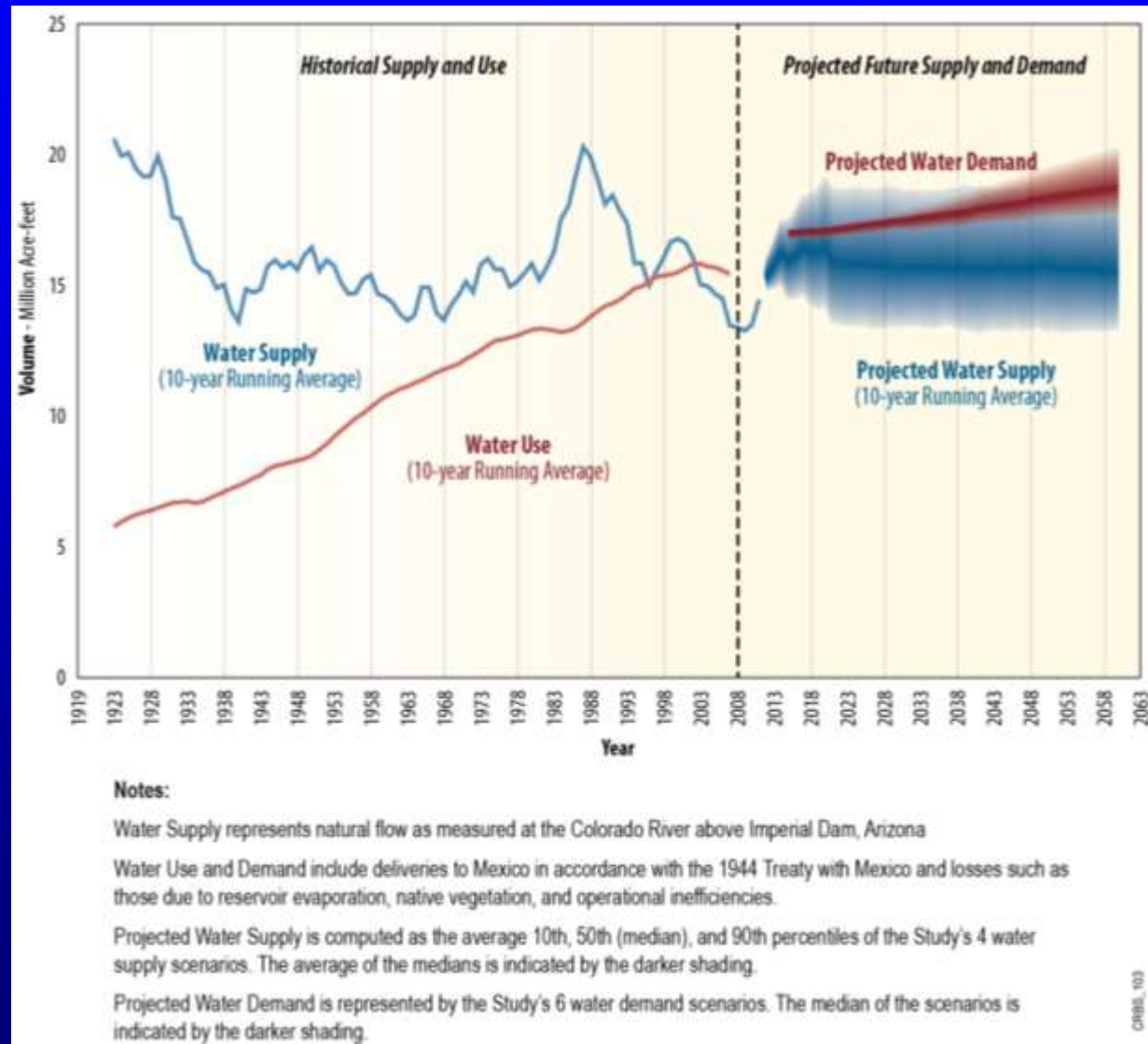


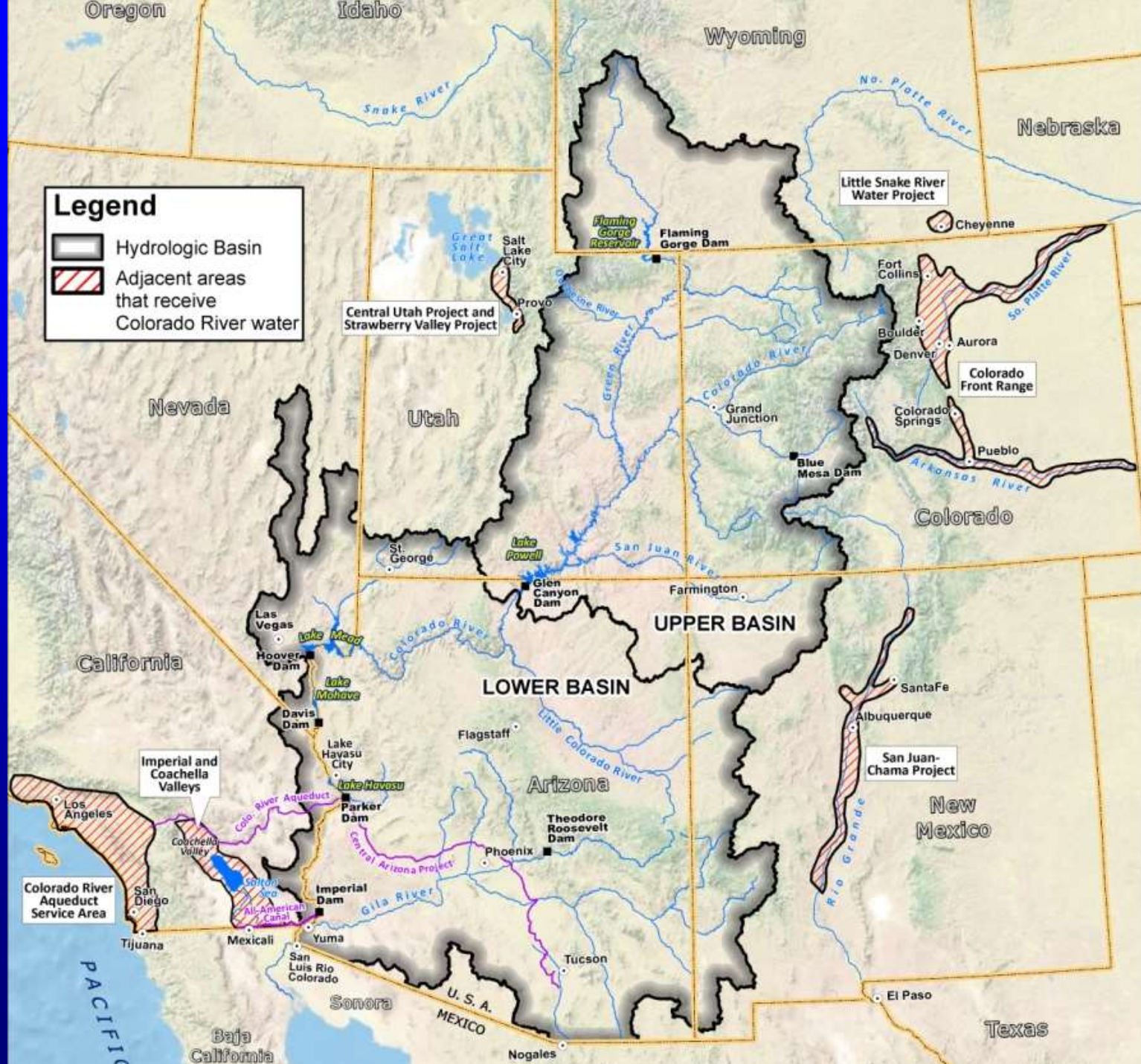
Projected Future Colorado River Basin Water Supply & Demand

Ave. supply & demand imbalances by 2060 are approx. 3.2 MAF

This imbalance may be more or less depending on the supply & demand scenario

Imbalances have occurred with deliveries being met from reservoir storage





Law of the River Allocations

7.5 MAF to Upper Basin (%'s)¹

7.5 MAF to Lower Basin (4.4 CA; 2.8 AZ; 0.3 NV)²

1.0 MAF additional to Lower Basin³
(i.e., tributary development)

1.5 MAF to Mexico⁴

17.5 MAF Total Allocated 'on paper'

¹ 1922 Colorado River Compact, 1948 Upper Colorado River Compact

² Colorado River Compact, 1929 Black Canyon Project Act, 1964 AZ v. CA

³ 1922 Colorado River Compact

⁴ Treaty of 1944

Comparison of Flow Scenarios

- 20 yr mean 1988-2007* 13.2 MAF/yr
- 25 yr mean 1988-2012* 13.3 MAF/yr
- Basin Study Climate Change 13.6 MAF/yr
- 60-yr mean 1953-2012* 14.0 MAF/yr

Important question: Are we already experiencing the impacts of climate change aka a 'new normal'?

*SOURCE: UCRC ANNUAL REPORTS (2012 ESTIMATE) FOR NATURAL FLOWS AT LEE FERRY, AZ

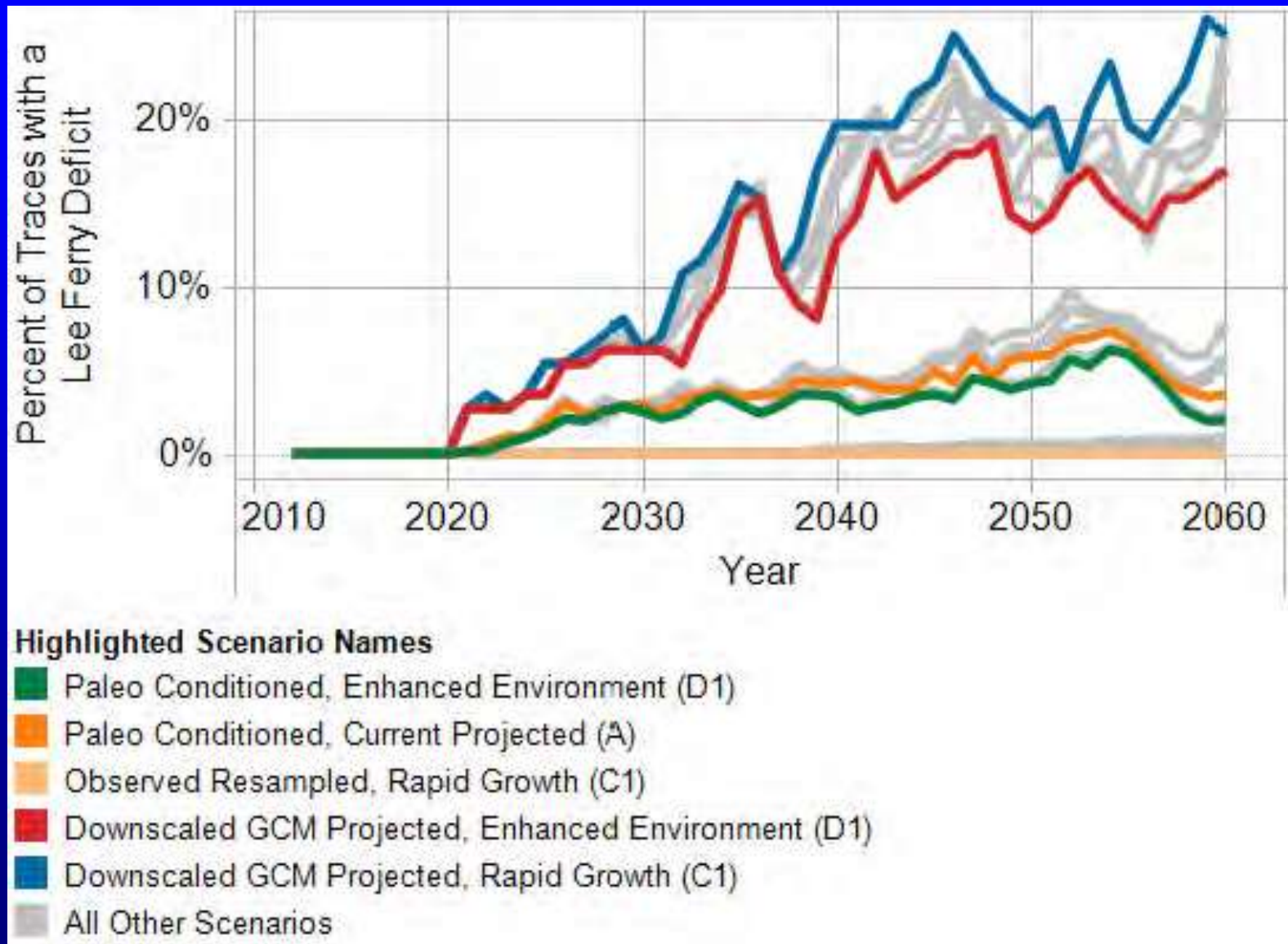
Water Demand Assessments

Based upon USBOR and State reports

Use has increased 10% (Upper Basin) and 23% (Lower Basin) – '71-'99

Future demand increases projected to be greatest in CO (0.64 MAF) & AZ (1.2 MAF) by 2060

Vulnerability: Lee Ferry Deficit



Summary

Colorado probably has water to develop - but not in every year

Future Colorado River supplies should be considered an “intermittent” supply - with possible long periods of zero supply

Increased Colorado River use will decrease the reliability of existing (post-compact) water supplies

Grow “up” not “out”

Summary (con't)

Develop urban / agriculture partnerships on both East Slope & West Slopes

Develop new re-use & conservation technologies

Bottom line:

the CRCA is an excellent start