

COLORADO WATER CONGRESS
WEDNESDAY WORKSHOPS

Marriott Denver Tech Center
January 30, 2013



Colorado Water Congress 2013 Annual Convention

Wednesday Workshops

January 30, 2013

Colorado Water Conservation Board Workshop

8:30 - 10:00

Pikes Peak

CWCB Staff

The CWCB will hold a workshop to discuss the Colorado River Water Availability Study (CRWAS) Phase II process that will be used to develop the scope of work for CRWAS Phase II. In addition, the CWCB will provide feedback on what should be included within this scope of work.

The Art of Scenario Planning

8:30 - 10:00

Maroon Peak

Marc Waage, Denver Water

Ralph Marra, SouthWest Water Resources Consulting

Scenario Planning is increasingly used by water planners to address many critical uncertainties in water planning. Come hear Ralph Marra discuss the experiences of several water utilities that have used Scenario Planning. Scenario Planning can complement more traditional planning approaches that rely on forecasts projected from historic patterns. Scenario Planning is a "non-predictive" way to perceive and plan for the future—a future which may be significantly different from the past. The goal is to help shape our thinking about what we can do now to prepare for a broad range of alternative futures. We will discuss how the basic Scenario Planning process works, some common misconceptions about its use, and lessons learned by practitioners along the way.

Colorado River Basin Water Supply and Demand Study Overview

10:15 – 11:45

Rocky Mountain Event Center

Moderator and Introductory Remarks: Jennifer Gimbel, Colorado Water Conservation Board

Kay Brothers, Southern Nevada Water Authority

Jennifer Gimbel, Colorado Water Conservation Board

Carly Jerla, U.S. Bureau of Reclamation

Ted Kowalski, Colorado Water Conservation Board

The first of two sessions will provide an overview of the Colorado River Basin Study that was completed in December 2012. The study defines current and future imbalances in water supply and demand in the Colorado River Basin and the adjacent areas of the Basin States that receive Colorado River water. The study analyzes adaptation and mitigation strategies to resolve those imbalances.

The Study assesses the risks to Basin resources over approximately the next 50 years.

Categories of resources include water deliveries, hydropower generation, water quality, flood control, ecological, and recreational resources.

Colorado River Basin Water Supply and Demand Study Technical Session

2:00 – 4:30

Pikes Peak

Moderator: Ted Kowalski, Colorado Water Conservation Board

Ken Nowak and Alan Butler, U.S. Bureau of Reclamation

Mark Waage, Denver Water

Leon Basdekas, Colorado Springs Utilities

Dave Kanzer, Colorado River Water Conservation District

Kay Brothers, Southern Nevada Water Authority

Cathy Condon, Esq., McElroy, Meyer, Walker & Condon

John Carron, Hydros Consulting

The depth of material behind the Colorado River Basin Study is considerable. This workshop will delve into the technical data and appendices providing the foundation of the study. Appendices to the report define water resources, irrigation and drainage, and municipal and industrial water supply in the Colorado River Basin. Given the high degree of uncertainty regarding future water demand, a scenario planning process was used to develop scenarios for a range of future conditions. This interactive session will be an excellent opportunity to get technical questions answered about how the study was prepared.

Case Studies in 10th Circuit and U.S. Supreme Court Decisions Impacting Colorado Water Law

9:00 - 11:45

Blanca Peak

Moderator: Ken Baker

Richard Bratton, Hoskin, Farina & Kampf P.C.

Eve McDonald, Colorado Office of Attorney General

David Robbins, Hill and Robbins

Dick Wolfe, Colorado State Engineer

PPL Montana vs. Montana: The U.S. Supreme Court issued a decision, clarifying the definition of a “Navigable Stream” and the corresponding definition of a “Not navigable Stream”. The Court clarified title ownership of the streambed of navigable and not navigable streams.

Montana vs. Wyoming: The U.S. Supreme Court issued a decision supporting a decision of a Special Master. The Special Master ruled that the water rights appropriators in Wyoming had a lawful right to use irrigation practices that increased consumptive use of appropriated water through irrigation efficient methods even though it reduced historic return flows to the stream, thus reducing flows that Montana irrigators historically enjoyed. Montana argued that this violated the Interstate Compact between the States. The Colorado State Water Engineer has published a Memorandum distinguishing the Montana vs. Wyoming case from the Colorado/Kansas Interstate Compact.

Tarrant Regional Water District vs. Herrmann: The Tenth Circuit Court of Appeals issued a decision that effectively determined that Oklahoma State law restricting transmission of water from Oklahoma to Texas was controlling, notwithstanding language in an Interstate Compact that entitled Texas to certain defined surface flows. This decision focuses on “dormant commerce clause” issues as well as “preemption” and “The Compact’s Deference to State Water Regulation”. A great primer for current discussion of future interstate water conflicts.

DARCA Workshop I - The Role of Municipalities and Counties in Supporting Local Ditch Companies

9:00 - 10:30

Longs Peak

John McKenzie, Executive Director, DARCA

Aaron Citron, Policy Analyst, Environmental Defense Fund

Local and County Ordinances: Local urbanization issues and the increasing cost of doing business in today's regulatory and legal environment have complicated the matter of running ditch companies in Colorado. The workshop will focus on development of guidelines and standards that reduce transaction costs and risks by providing more certainty in local regulations, property rights disputes, taxation and lender relationships.

Positive Externalities: Ditch companies and their vibrant agricultural economies support many rural cities and towns and provide them with a cultural backbone. Farms and ranches produce food and fiber and support more than just the farm and ranch owners; a range of employees, seasonal workers, and associated businesses also depend on them, as do local governments that are sustained by the taxes they pay. Ditch systems provide environmental benefits in the form of riparian corridors for flora and fauna and constructed wetlands that lead to more livable communities and tourism dollars. Irrigation may also provide water for late season return flows that extend recreational and irrigation seasons while supporting additional environmental flow needs.

Outcome: Until ditch companies are able to resolve some of their local disputes and become more flexible, they may have difficulty taking advantage of resources and infrastructure subsidies. To reduce transaction costs and allow ditch companies to take advantage of opportunities to improve their infrastructure and remain competitive, better processes and systems for resolving these disputes are needed. The guidelines and standards developed will begin to forge more productive relationships between ditch companies and neighbors that allow for the mutually beneficial continuation of profitable, irrigated agriculture and the public benefits it provides and ensure that ditch companies are better able to access current and potential future funding sources for infrastructure improvements.

In the future, both private investment (possibly in the form of low interest loans) and local micro-subsidies, along with continued public funding from the Farm Bill and state programs, will be needed to fully compensate ditch companies and irrigated agriculture for the benefits they provide.

DARCA Workshop II - Agricultural - Environmental Partnerships

10:30 - 11:45

Longs Peak

Aaron Citron, Policy Analyst, Environmental Defense Fund

Russ Schnitzer, Agriculture Policy Advisor Trout Unlimited

Aaron Derwingson, Agricultural Outreach Coordinator, The Nature Conservancy

Terry Fankhauser, Executive Vice President, Colorado Cattlemen's Association

Paul Kehmeier, Farmer, Eckert, Colorado

Farmers and ranchers have sustained the West's working rivers and landscapes for generations through wise resource management and stewardship. Conservation organizations have similar goals, and more comprehensive, lasting results can be achieved through collaboration and better understanding of each other's needs. Speakers will discuss the common interests of agriculture and conservationists to better manage water resources and share examples of successful partnerships.

A panel discussion will cover a range of cooperative efforts to provide conservation benefits and long-term security for agricultural operations in the West. The history and formation of the Western Agriculture and Conservation Coalition will be shared and the ways in which a Colorado River Water Bank might benefit irrigators, cities, boaters, and fishermen will be explored. Additional speakers have been invited to provide local examples of collaborative processes and on-the-ground success stories.

The Public Trust Workshop

10:15 - 11:45

Maroon Peak

Steve Leonhardt, Burns, Figa, and Will

Doug Kemper, Colorado Water Congress

For much of the past 20 years, the water community has been faced with the prospect of a public trust doctrine impressed on our system of water administration. Steve Leonhardt, representing the Water Congress in our opposition, will review the history of the public trust doctrine and how it might impact the water community. The Water Congress Board recently approved the Public Trust Special Project targeted at preparing the water community for future ballot initiatives. Education and a connected community are the keys.

Colorado Water Congress Committee Meetings

CWC State Affairs

9:00 - 10:00

Humboldt

Dianna Orf, Orf & Orf

Colorado Water Congress Lobbyist, Dianna Orf, will provide an insider's guide to the 2013 legislative session. She will review introduced and anticipated legislation and activities of the various Water Congress subcommittees that are actively engaged on water legislation. The workshop is a great opportunity to learn about the Water Congress State Affairs Committee, the legislative process, and how you can keep pace with rapidly changing legislation through our new website. The workshop is not restricted to CWC State Affairs Committee members.

CWC Federal Affairs

10:00 – 11:00

Humboldt

Andy Colosimo, Chair

Colorado Water Congress Federal Affairs Committee

The Water Congress is continuing to develop an active presence at the federal level. For those convention attendees that are interested in learning more about the committee, this casual session is your opportunity. We will get a report from the recent Leadership Forum at the National Water Resources Association when the 2013 priorities for the Water Congress and other States throughout the West were developed. The workshop is not restricted to CWC Federal Affairs Committee members.

CWC Water Quality

11:00 – 11:45

Humboldt

Mark Pifher, Chair

Colorado Water Congress Water Quality Committee

Colorado Water Quality Control Commissioner and CWC Water Quality Committee Chair, Mark Pifher, will provide an overview of water quality issues of relevance to Colorado's water community. This interactive session will be a great opportunity to learn about the 2013 priorities for the CWC Water Quality Committee. The workshop is not restricted to CWC Water Quality Committee members. The first 25 attendees will receive a free copy the Citizens Guide to Colorado Water Quality Protection.

Colorado's Year of Water Recognition Luncheon

12:00 – 1:15

Rocky Mountain Event Center

Food service continues until 12:30

Program will be from 12:30 to 1:15

What began as a small celebration to commemorate the major anniversaries of some of Colorado's most important water organizations and legislation quickly grew into a statewide water awareness campaign. Throughout the year, Colorado Water 2012 connected with Coloradans to their water through resources, events, and activities created by seven committees and a coalition of 200 volunteers statewide. We will celebrate the year's accomplishments as we wrap up an exciting year for Colorado's water community.

One State, Many Facets

Around the State with Colorado's Division Engineers

1:30 – 4:15

Rocky Mountain Event Center

Colorado Division Engineers

In this fast-paced session, we will spend about 25 minutes in each of Colorado's seven river basins. All of Colorado's Division Engineers will give a review of important matters in each basin. This session will be a unique opportunity to learn about what's current in the State.

1:30 South Platte (Division 1)

1:55 Arkansas (Division 2)

2:20 Rio Grande (Division 3)

2:45 Gunnison (Division 4)

3:10 Colorado (Division 5)

3:35 Yampa/White/North Platte (Division 6)

3:55 San Juan (Division 7)

2013 CWCB Instream Flow Workshop

1:30 - 4:30

Longs Peak

Linda Bassi, Chief. CWCB Stream and Lake Protection Section

Jeff Baessler, Deputy Chief. CWCB Stream and Lake Protection Section

Roy Smith, Water Rights and Instream Flow Coordinator. U.S. Bureau of Land Management

Jay Skinner, Water Resources Unit Manager. Colorado Parks and Wildlife

Jacob Bornstein, Program Manager. CWCB Water Supply Planning Section

Each year, the CWCB's Stream and Lake Protection Section hosts an annual workshop that provides state and federal agencies and other interested persons an opportunity to recommend certain stream reaches or natural lakes for inclusion in the State's Instream Flow (ISF) program. The entities that make ISF recommendations will present information regarding the location of new recommendations as well as preliminary data in support of the recommendation. There will be an opportunity for interested stakeholders to provide input and ask questions. This year's workshop will include: (1) an overview of the ISF program and the new appropriation process; (2) discussion of pending ISF recommendations from previous years; and (3) discussion of the potential for CWCB staff, Colorado Parks and Wildlife, the BLM and other entities to form partnerships with the Basin Roundtables to use the ISF program as a potential mechanism to meet non-consumptive needs.

Colorado River Basin Water Supply and Demand Study Technical Session

2:00 – 4:30

Pikes Peak

(see listing on Page 2)

Colorado Water Congress President's Forum

3:30 – 4:30

Blanca Peak

Mike Gibson, President Colorado Water Congress

New this year, the Water Congress President will meet with Water Congress members to review the accomplishments of the past year and our priorities for 2013. We will discuss our new bylaws and totally redesigned website. This forum is an opportunity to have your voice heard about priority water issues. We will continue to focus on getting our members actively involved in Water Congress activities.

Professionals Outreach, Networking & Development (POND) Committee Event Setup

4:15 – 4:30

Rocky Mountain Event Center

The mission of the POND Committee is to provide water professionals with networking, leadership, and career development opportunities. The Committee is open to all Water Congress members. This meeting will be an opportunity to learn about our newest committee and participate in the setup for the Networking Event that will follow immediately afterward.

POND Networking Event

Connection the Generations

4:30 – 6:00

Rocky Mountain Event Center

The POND networking event will be a structured happy hour with "table topic" discussions in small groups. The topics will provide an opportunity for new comers and veterans in the water community to share their experiences. The event is free to anyone in the water community. Drinks and appetizers will be provided. There will be a raffle with great prizes so be sure to bring your business cards!

2013 Annual Convention Workshops

TIME	Meeting Room						
	Event Center	Pikes Peak	Maroon	Blanca	Longs	Humboldt	Crestone
8:00 AM							
8:15 AM							
8:30 AM							
8:45 AM							
9:00 AM		CWCB Workshop	The Art of Scenario Planning	Case Studies: <i>PPL</i> <i>Montana v. Montana</i>	DARCA Workshops	CWC State Affairs	Hospitality
9:15 AM							
9:30 AM							
9:45 AM							
10:00 AM							
10:15 AM							
10:30 AM	Colorado River Basin Study Overview		<i>Montana v. Wyoming</i>	Muni and Counties Supporting Local Ditch Companies	CWC Federal Affairs		
10:45 AM							
11:00 AM			Public Trust Workshop	<i>Tarrant v. Oklahoma</i>	Agricultural - Environmental Partnerships	CWC Water Quality	
11:15 AM							
11:30 AM							
11:45 AM				Break			
12:00 PM							
12:15 PM							
12:30 PM							
12:45 PM							
1:00 PM							
1:15 PM							
1:30 PM							
1:45 PM							
2:00 PM	Around the State with Colorado Division Engineers	Colorado River Basin Study Technical Session	CWRPDA Board Meeting	Colorado Water Congress Board Meeting	2013 Instream Flow Workshop		
2:15 PM							
2:30 PM							
2:45 PM							
3:00 PM							
3:15 PM							
3:30 PM							
3:45 PM							
4:00 PM	POND Event Setup			CWC President's Forum			
4:15 PM							
4:30 PM	POND Networking Event: <i>Connecting the Generations</i>						
4:45 PM							
5:00 PM							
5:15 PM							
5:30 PM							
5:45 PM							
6:00 PM							