



October 1, 2014

Submitted Via Email to [WaterResources@state.co.us](mailto:WaterResources@state.co.us)

Water Resources Review Committee  
C/O David Beaujon  
Legislative Council Staff  
Room 029, 200 E. Colfax Ave., Denver, CO 80203

RE: Comments on Colorado's Water Plan, 9/17/14 SB 115 Hearing

Dear Water Resources Review Committee:

Thank you for the opportunity to comment on the draft So Platte/Metro Basin Implementation Plan as well as the developing Colorado Water Plan. Thank you as well for your interest in the state plan and the desire to have an increased role in its creation. I would also like to acknowledge all of the hard work of the CWCB and the Basin Roundtables in creating the drafts Basin Implementation Plans (BIPs) and Colorado's Water Plan (CWP).

As Sean Cronin noted during the meeting, the BIPs and CWP are framework documents. While a lot of work has been done, there is still a lot to do. My comments are suggestions for next steps and points to consider as the legislature moves forward in the CWP process.

During the meeting, there was a lot of discussion about drying up of agricultural land and the development of more Colorado River water through a trans-mountain diversion (TMDs) to meet Front Range supply needs. Focusing on these two supply methods – “buy and dry” of agricultural land and TMDs – is selling ourselves short. The CWCB and the Governor's Executive Order that initiated the plan have called for a break from the status quo. The E.O. expressly states that the current rate of buy and dry is unacceptable and that we need a water plan which reflects our values, including a strong environment with healthy watersheds, rivers, streams and wildlife.

During the public comment at the 9/17 meeting, innovation was stressed as a key part in breaking away from our old water policies that no longer fit our practices and our modern world. Common sense water policies include:

1. **Focus on demand management first, before exploring “new supply” and developing additional Colorado River Water.** This starts with increasing indoor and outdoor conservation as well as increasing the use of recycled water. We have a lot of options here – from legislative measures to land use planning to innovative business practices.
  - a. SB 14-103 (phase-out of the sale of certain low efficiency plumbing fixtures) and HB 13-1044 (authorizing the use of graywater) are two recent bills that have sought

- b. innovative ways to decrease the demands we put on fresh, potable water by increasing the efficiency of bathroom fixtures without impacting their effectiveness and exploring ways to use graywater, such as in our toilets or lawns. These are relatively easy changes that result in a significant impact.
  - c. We can and should connect land use planning and water planning. We know the population of Colorado is growing with an additional four million people expected by 2050. A lot of our future water needs are within this new population group. Colorado should partner with counties, land use planners, and water utilities to embrace integrated planning that will lower the water footprint of new urban development. While education and training is an important first step, we will need additional measures.
  - d. Innovation – on average, it takes 5 gallons of water to make 1 gallon of beer. Several breweries are looking to change the 5:1 ratio. New Belgium Brewing (NBB), based in Ft. Collins, has been working to decrease their 3.9:1 ratio even further to 3.5. But there are lots of ways to save water in the brewing process – reusing water from interior bottle rinse for the exterior bottle rinse, capturing heat and hot water in the sanitation process to be reused in subsequent cleaning cycle, and looking outside the brewing process and using xeriscaping outside reducing water consumption on their grounds. We need to continue the legacy of innovation that Colorado was founded on and find new ways to work smarter, build better, and use less water in the process.
2. **Increased flexibility in water sharing.** Creative water-sharing agreements (Alternative Transfer Mechanisms (ATMs)) can support agriculture, meet growing communities' needs, and protect Colorado's rivers. Currently buying and then drying up agricultural land is the easiest way to get water from agriculture. It was repeated several times at my table during small group discussion - that we need more sharing opportunities and more flexibility in our water rights system (not an entire overhaul). The State should support water sharing agreements—ones that are voluntary, compensated, temporary, and flexible—to help meet future municipal and healthy flow needs while making agriculture more profitable. Of course, water rights need to be respected but farmers and irrigators should be rewarded for conservation practices, efficiency improvements, and sharing and not penalized.
3. **Cross-basin comparison** - For your review, I have attached a Matrix comparing the Basin Implementation Plans to each other on certain aspects – conservation, reuse, trans-mountain diversions, environmental and recreation methods and projects and agriculture (Basin Implementation Plans Matrix) as well as the several elements coming out of the BIPs that are noteworthy (Shareable BIP Elements). Another good comparison would be to examine how the Basin Implementation Plans (BIPs) match up to the Interbasin Compact Committee's (IBCC) No/Low Regrets Action Plan. Some basins meet the goals laid out by the IBCC's action plan while others do not. I call your attention to conservation levels, projects

or methods designed for meeting environmental goals and success rates of identified projects and processes (IPPs).

4. **Funding & Research.** We need funding for and stream management plans. These plans quantify the flows needed to preserve environmental and recreational attributes, identified by the basins, within specific river reaches. These basin-level stream management plans should be a top tier priority within the BIPs and the CWP. Of note, while watershed management plans are important, stream management plans (SMPs) specifically evaluate the flows and are needed independent of any larger watershed plan. SMPs allow local stakeholders to better assess river resources that need protecting.

Thank you again for the opportunity to discuss the plan. I can be reached for further comment and discussion at [Theresa@conservationco.org](mailto:Theresa@conservationco.org).

Sincerely,



Theresa M. Conley  
Water Advocate  
Conservation Colorado

CC:

Representative Randy Fischer  
Representative Diane Mitsch Bush  
Senator Gail Schwartz  
Senator Ellen Roberts  
Senator Matt Jones  
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Attachments:

Basin Implementation Plans Matrix Aug 2014  
Shareable BIP Elements Aug 2014

WRA Preliminary Assessment of July 2014 Draft Basin Implementation Plans

BIP	Conservation	Re-use	Trans-mtn Diversions (TMDs)	Envt & Rec	Agriculture
Colorado	High for in-basin & Fr Range  Real integration of land use w/ water policy	Exhaust in-basin supplies (incl reuse) before TMDs.  Improve water law to increase efficiency & reuse.	No TMDs (no water to give)  CWP solutions should exhaust in-basin supplies, etc. [p. 9]  NWCCOG's West Slope principles	<b>*Sub-basin stream management plans (SMP);</b> <b>*Good maps;</b> <b>specific projects (some with wet water),</b> *Projects not prioritized; *Goals/outcomes not specific	Questions ability to make more water available through ag efficiency;  Suggests state task force to explore
So.Platte/ Metro	Low (Metro residential/indoor at medium)  Lists many excuses for not doing more	"maintain leadership in and enhance levels of" reuse  Claims opportunities are limited  Raises hurdles.	Can't meet gap (inflated by low implementation of other options) w/o new 150KAF TMD  Calls for state \$\$ to build TMD  Acknowledges but does not discuss W Slope impacts of TMDs to in-basin E&R	2 lists of IPPs in App. D: from 2010 & new. *Majority are completed or on-going. *Include fish passage, restoration, studies & a few flow improvement strategies. *Explicitly no ISFs or "stewardship"	~20,000 AF of ATMs.  Lists many reasons why ATMs not a good source of M&I water.  Touts ag benefits to state economy.
Gunnison	Medium at least, in-basin and on Fr Range  Good land use integration	Reuse all to maximum extent prior to TMDs	No TMDs unless <ul style="list-style-type: none"> <li>Fr R meets high level of conservation &amp; other min criteria;</li> <li>Sponsor identified</li> <li>Fr R assumes shortage risk</li> </ul> State must adopt risk mgmt criteria	<b>Stream Mngt Plans for all sub-basins</b>  No immediate projects;  Refused to use AW's recreational reach info	Focus of BIP is keeping ag water in ag.
Yampa/White/ Green	No in-basin target  FR should exhaust all other options	Call on FR to exhaust other options (including re-use)	No TMDs unless FR 1 <sup>st</sup> max's conservation, etc.  No TMD w/o protection for Yampa development  No state \$\$ for a new TMD	* Good goals * Good quantification (WFET) * Few new E&R projects * Notes lack of info but doesn't seek SMPs * <b>"Cross walk" quantifies effects to flows of consumptive projects &amp; climate change</b>	Focus of BIP is to maintain, if not grow, irrigated acreage.

WRA Preliminary Assessment of July 2014 Draft Basin Implementation Plans

Arkansas	Should play a role, but no one size fits all, and no goal	Better management of existing supplies, incl reuse to the max potential w/ consideration of new TMD	Not having a TMD would be detrimental to Ark basin		Seeks major breakthroughs for following programs – which Basin sees as THE way to save its ag.
Rio Grande	Very small urban demands in the basin	List IBCC TMD framework including CO’s commitment to increasing cons and reuse.		Lots of data on E/R needs	
N Platte	Equitable statewide application (unclear what that means)	Nothing mentioned in BIP			
South-west	High conservation for muni’s wanting a new TMD  Reduce in house water use so that average home use is 60% inside, 40 % outside (from 50/50 today)	Implement 3 water reuse educational events by 2050.	New TMD could trigger CO River Compact call or other supply issues & complicate their own development. Adopts 7 criteria to satisfy before any TMD	IPPs of generic & some watershed specific investigations of E&R gap and collaborative processes to work towards solutions. None funded. Proposes 60 E&R IPPs, few funded, not all real E&R, mostly habitat improvement w/ 1 or 2 wet water. Target: 80% protection of E&R values by 2050.	Maintaining Ag is important theme. IPP list includes specific & generic ditch lining, infrastructure upgrade & ag efficiency projects. On one hand, they assume modest loss of irrigated acreage by 2050; on the other they ID a 200KAF ag shortage.

E&R: for first time, something is there. Most BIPs indicate need for more research.