

Colorado's Water Plan

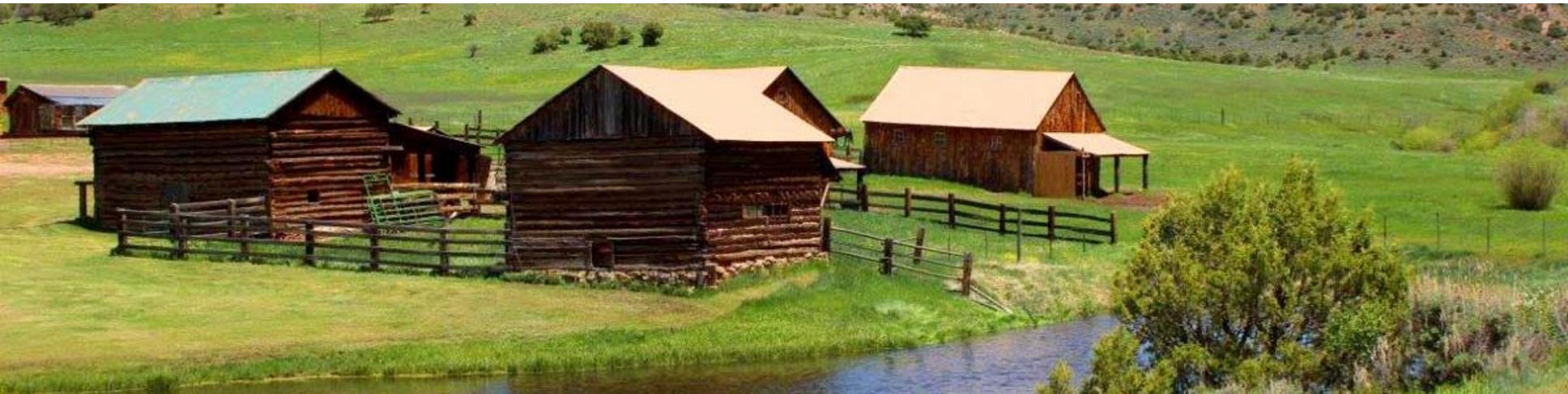
Recommendations for the Interim Water Resources Review Committee

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Integrated Land and Water Planning

- Water Plan Measurable Objective:
 - By 2025, 75% of Coloradans will live in communities that have incorporated water-saving actions into land-use planning



South Platte/Metro BIP

- Recognizes importance of ensuring **that future land uses consider impacts on water supplies on a local, regional, state, and interstate basis**
- Enact stronger land use regulation that build efficiency through conservation
- Recommends increased coordination between water utilities and land use planners

Current Law

- HB 1141 (2008)
 - Water supplies for land development have regional impact, both within and between river basins
 - Land use decisions are local, but ensuring adequacy of water for new development is a matter of statewide concern

Current Law – Local Governments



- All local governments (cities, towns, counties) must determine that proposed water supply is adequate
- Applies to developments of 50 units or more
- May request opinion from State Engineer, but not required
- Timing of determination is flexible

Current Law – Counties

- Older statute, not changed with HB 1141 [Colo. Rev. Stat. §§ 30-28-133, 136]
- Applies to subdivisions of 2 units or more
- State Engineer opinion required
- Water adequacy determination required for approval of preliminary plan or final plat

Water Conservation

- No requirement for water conservation as part of land use approval process
- Other statutes address conservation
 - Only WaterSense indoor fixtures can now be sold
 - Rain barrel legislation
 - Restrictive covenants can't prohibit xeriscape landscaping or rain barrels

Recent Legislation on Land Use

- SB 8 (2015)
 - Water conservations plans (suppliers serving >2,000 acre feet) must include evaluation of BMPs for water demand management that could be implemented through land use planning
 - Requires development of training programs for local government officials
 - Requests recommendations from CWCB and DOLA on better integration of conservation into land use approvals

Discrepancies – Cities/Counties

Counties:

Adequacy determination required for division into **2** or more lots

State Engineer opinion required

Specific times for making determination (prelim plan, final plat)

Cities (and Counties):

Adequacy determination required for division into **50** or more lots

State Engineer opinion **not** required

Complete flexibility in timing for making determination

Timing Flexibility – Concerns

- Welcomed by developers and land use authorities
- Unrealistic to expect developers to have all water rights and decrees in hand initially for multi-year development
- But delaying decision to late stage creates problems if water supplies don't pan out

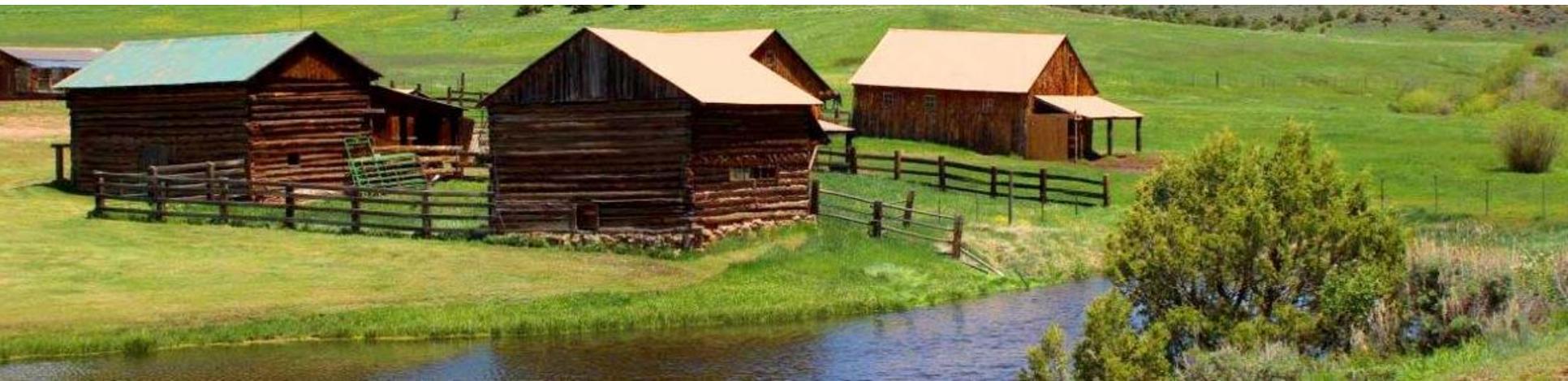
Fixes Needed



- Synch up different requirements for counties and other local governments
- Guidance to local land planners on how to accumulate water supply information and not get blind-sided
- Water conservation not part of land use process
- Little coordination between land use approval agency and water provider

Caveat

- Balancing local control with wise water planning on regional or statewide basis is tricky
- May require different water conservation strategies in different locations



ATM Goal

- Big push to avoid buy-and-dry
- Water Plan Measurable Objective:
 - Share at least 50,000 af of agricultural water using voluntary ATMs by 2030
 - Colorado currently has 3,000 – 6,000 acre feet of ATMs
- Water Plan recognizes the need to explore mechanisms to reduce barriers to ATMs

What Does a Water Bank Do?

“The water bank . . . is intended to simplify and improve the approval of water leases, loans, and exchanges . . . within each river basin, reduce the costs associated with such transactions, and increase the availability of water-related information.”

“It is also the purpose of the water banks to assist farmers and ranchers by developing a mechanism to realize the value of their water rights assets without forcing the permanent severance of those water rights from the land.”

Why Didn't It Work?

- Limited to stored water
- Uncertainty about review and approval process
- High asking prices
- Passive, not active, operator
- Other mechanisms a better fit

GOALS

- Take pressure off buy-and-dry
- Make it easy
 - Reduce costs for temporary water transactions
- Always protect other water users
- In West Slope basins, allow for Compact compliance bank

How Do We Make It Work?

- Don't put water rights at risk
- Active operator facilitates voluntary matchups
- Streamlined review scaled to the temporary nature and size of the transaction
- Operated by trusted public entity

Concerns About ATMs

- Price
- Timing – Avoid incurring costs of seed and other inputs, or get paid for them
- Impact on soil quality
- Increase in burden of scrutinizing proposed leases to avoid injury

Details

- Models – interruptible supply agreements, lease-following pilot program, substitute supply plans
- Other states – AZ, ID, WA



Watershed Health



- Water Plan measurable objective –
 - Cover 80 percent of the locally prioritized lists of rivers with stream management plans,
 - Cover 80 percent of critical watersheds with watershed protection plans
 - All by 2030

Our Work



- Support development of effective stream management plans
- Encourage coordination of related efforts in each basin
- Emphasize need to integrate full array of interests in planning and implementation
- End goal: healthy working rivers

Resources

Papers on Integrated Land and Water Planning, ATMs, Watershed Planning, and other Water Plan recommendations

<http://www.colorado.edu/law/research/gwc>

