

Meeting Notes

Interbasin Compact Committee (IBCC)

Sheraton Denver West

Lakewood, CO.

December 12, 2008

Interbasin Compact Committee Members

Carl Trick

Marc Catlin

Carlyle Currier

Melinda Kassen

Chips Barry

Mike Shimmin

Bill Trampe

Peter Nichols

Dan Birch

Raymond Wright

Eric Kuhn

Rita Crumpton

Harris D. Sherman

Rod Kuharich

Jay Winner

Stan Cazier

Jeff Devere

Steve Harris

Jeris Danielson

Steve Vandiver

Jim Isgar

T. Wright Dickinson

Kathleen Curry

Wayne Vanderschuere

State Staff and Technical Assistance Team

Alex Davis, DNR

Sue Morea, CDM

Eric Hecox, CWCB

Todd Doherty, CWCB

Jennifer Gimbel, CWCB

Viola Bralish, CWCB

Nicole Rowan, CDM

Members of Public who attended

Phyllis Thomas

Jenifer C.G. Martin

Polly Hays

Tom Iseman

Caroline Bradford

Kristin Maharg

Reagan Waskom

Cathy Atkins

MaryLou Smith

Matt Brown

Bill Warmack

Meeting started at 9:15

Harris Sherman began the meeting by giving a short recap of the October IBCC meeting in Colorado Springs.

Dan Birch gave a presentation on the Energy Development Water Needs Assessment, he acknowledged Jeff Devere first by commenting that he really saw what was happening in the basin and he saw the basin roundtable process as a way to do this. Study was broke into 2 phases, phase one is complete and approved by the Colorado basin RT and under review by the Yampa/White basin RT. Phase 2, they are trying to get started shortly in 2009 with it being a 12-18 month effort.

Questions and Comments to Dan Birch

Peter Nichols commented that they (oil companies) don't expect to be using huge amounts of water.

Jeff Devere-The overall trend is upward, it looks like the white river mine will be opened soon, and it sits a mile and a half off the Colorado Utah border. There is a big commonality issue, we mine coal and send it to Utah. It behooves us to not entirely discount oil shale.

Harris Sherman-asked Dan Birch if we could invite major oil shale companies to come to our meetings and discuss how much water they would need to use.

Dan Birch- Talked with a senior vice president at an oil shale company and they said they are being very active and serious about what their water needs may be (Shell has been the most cooperative and forthcoming).

Rod Kuharich – this has been a resource that has been speculating for over a century, the state should take off their gloves and look at this as an economic benefit to the state. It's time the state lay out a direction because if we get to a federal push then the state will have no say.

M&I Water Demands to 2050 – Discussion of M&I water demands to 2050, drivers of population growth, and connecting water supply planning and land use planning. *IBCC Members are asked to bring an example from their area of “Cooperation between water supply planners and land use planners.”*

Eric Hecox – We made some assumptions last time one was energy and the other was demands to 2050. We will go back. Explains slide 4 and 5 to Rep. Curry and then Ray Wright also questioned some of the numbers on those same slides. Recap on the numbers from the October meeting.

Melinda Kassen- How often does this model get tweaked? The state demographer continually updates these numbers, the numbers we have are from the spring/summer of 2008.

Steve Harris-Does the state demographer check to see how their model is doing? State wide numbers tend to be much more robust. The model was only off by a couple of months state-wide, on a regional or citywide the margin of error increases.

Eric Hecox- Refers to slide 36 for the basic conclusions on population projections. They worked closely with those who were doing the energy study to make sure their numbers matched up. Slide 43, Sue Morea asked if you are a provider could you supply them with the information on that slide?

Nicole Rowan – Talks about slide (Ark basin 2050 M&I Water Demand forecast potential cons. Savings compared to current GPCD).

Chips Barry-20% is achievable in Denver (they are there now), maybe 30% if people don't over water their blue grass but 40% without just overwatering is not achievable.

T. Wright Dickinson- what part of the savings is internal uses? Hecox -these represent both indoor and outdoor. What of the practices need to be put in place to get to 20, 30, or 40%.

Wayne Vanderschuere – when you talk about conservation but we are trying to tell how we got to the percentage. Which part is conservation and changes in economic conditions is hard to distinguish.

Eric Hecox – Turned over the discussion to Harris Sherman to discuss the assignment (***IBCC Members are asked to bring an example from their area of “Cooperation between water supply planners and land use planners”***) that the IBCC members were given.

Harris Sherman– I agree with Rod on one level that we are slowly shifting on a voluntary basis to a different type of growth. I think it will be useful to talk about getting into this in greater depth? We have to think more realistically about water and land uses for the state, does this translate into a series of discussions that we have with the Denver mayor?

Kathleen Curry– what we learned last year that there are some serious obstacles with land use planning because of zoning that was already in place and they didn't want to change those because of vested interests. The high water growth areas, what is holding folks back from doing this secondly you need stake holders at the table (realtors and developers). Incentive driven is better than mandates at first.

Harris Sherman – We never sat down with city council and talked about these issues.

Chips Barry– both Stapleton and Lowry have been done completely differently (using recycled water) new urbanism and being green, public parks instead of individual lawns. I think that model works very well but I agree with Kathleen about built in zoning that doesn't want to be changed. Denver mandates use of soil amendments before you put in the water line; we have made some in roads there. We don't have the authority to tell the customer what kind of landscaping they can put in that is for the city to say. I don't think there is a lot of opportunity to change the single family land use.

Rod Kuharich- Co Springs past, govt entities and utilities; they had a policy to not use water outside their city limits. The only way was to annex, Colorado Springs worked with El Paso County that forced all the development to the Denver area. You need to work uniformly so you don't get the unintended outcomes.

Wayne Vanderschuere– that was a good set-up by Rod, the land use planners speak a different language. A lot of development is driven by jobs and economics. What could be done earlier in the process a more rigorous water resource plan may be helpful.

Melinda Kassen – When you talk about regionalization, what would that mean in terms of water demand/supply you are both making pitches for regionalization I'm curious as to how that relates to what we are talking about?

Rod Kuharich– the idea of regionalization, we can look at who has and who hasn't the resources.

Chips Barry – Pat Malwright is head of the Las Vegas headwater, they were all short of water and were going to share equally. Las Vegas had no water and Denver does; maybe there are incentives that create regionalization. How do we make our systems work together and cooperatively but doesn't make the Denver customers absorb the fall short of Aurora.

Harris Sherman– I'd like to go back to slide 44-45, is there anything else to be said about these, per capita uses of water? These have an effect, how can we do better on this front, there are examples where you can tell people how to do landscaping. When a city or county allows a certain type of growth pattern that does have an effect statewide.

Dan Birch – this is connected to Ag; to the extent you increase density you affect Ag. We are talking about land with vested rights and interests; we can't put 5 million people in this state without new annexing. In my experience there has been no discussion about the density the water providers by in large fall into what the city planners want. The water planners need to play a more forceful role in tackling this issue.

Kathleen Curry– we have isolated the 2 groups one is working off a fee structures (water providers and elected officials), the user has to approach 2 different entities.

Jeff Devere – zoning was originally established as a risk management system, we are talking about a comprehensive set of risks, zoning is no longer appropriate for risk management. If you look at the chart on slide 45 that is a risk slide. Allow a community to pay for reduced risk.

Chips Barry– Denver water cannot annex anybody, maybe the west slope should come back at us. Maybe you ought to have some density requirements figured into this as well.

Stan Cazier – Grange County you cannot develop unless you have a plan for all the water uses. There are ways the state can directly/indirectly effect density planning. Encourage through statute instead of dictate.

Peter Nichols – we will give incentives if you change your landscaping, this is a possibility.

Wayne Vanderschuere– CO Springs does have incentives; we have gone about doing our job too good when the city planners come to us, it's almost seamless.

T. Wright Dickinson– Be very careful about the 35 acre, you get into Ag can't do this or that. Make sure you are not sacrificing one type of the balloon.

Marc Catlin – to go back to what we were supposed to do, it gives me an idea of how the city works. Our city and county do not speak; some of these things would make sense for the western slope. We (uncompaghre water) can't charge for more users your water cost the same but the more new customers the more expenses go up. On our side you can take a 40 acre track and convert it into houses and it takes 3-4 years to go off of high productive Ag. In our community planning is more of a reaction of something happening rather than visioning, if we as a statewide community want to save ag it seems like we can put the housing on the waste land(ag term). The rules should be the same in each county, people are selling all their acreage because they couldn't sell 5 acres in two years. We do need some standardization across the state; we are trying to be as forward thinking as we can.

Rod Kuharich– the problem you run into when you try to increase density, the neighborhoods will go nuts because it will effect schools, traffic, and open space.

Bill Trampe – the 35 acre rule is supposed to be the ultimate for Ag, a ranch about 1 ½ miles from me that shares the ditch, it takes me a month longer to irrigate my meadow because of the individual wells and septic. Planned density would help if we are sincere about saving Ag.

Broke for lunch at 12:15

Resumed meeting at 12:54 “New Water Supply Development-Discussion of risk analysis and questions on Colorado River Compact development posed at the October meeting.

Melinda Kassen – in NM a couple years ago they passed legislation on wells it limits them on a quantity basis, density, and spacing of exempt wells. The statute did 3 things; limit to geographically, quantity, and density of wells. There was an incentive for them to deal with the problem. This is more stringent than Colorado's.

Eric Hecox – let's witch gears a little, a reminder of where we were and where we are going, we are going to talk in more detail about water supply strategies. Quick reminder of the goals but not going to get into them today. Slide 51, new graphic about water supply strategies, this depicts current water supplies in state today and then growth and water demands (M&I). We picked the medium numbers, the real point of this right now we are looking at specific and broader projects to get us to where we need to go. Jay winner had to leave, Eric Hecox talked about what the Arkansas basin is working on.

T. Wright Dickinson – Are these numbers driven by the state demographer? Why are we predicting an ever increasing demand?

Yes these are from the state demographer they are all based on growth and include oil shale.

Eric Hecox – (slide 52-54) there is a lot of uncertainty surrounding this, a lot of this came from Eric Kuhn.

Eric Kuhn – spoke about the Mexican treaty potentially being a factor.

Eric Hecox – there is an effort in CWCB to get a better handle on the supply factors.

Rod Kuharich – I would throw in the overuse of the Arizona compact.

Eric Hecox – in this exercise we would simply say there are high and low demands. Then goes onto slide 55, this is the work we will be doing for the first quarter of next year for developing scenarios.

Eric Kuhn – The third dimension is time, for example right now we don't know what is going to happen with oil shale. The approach you are proposing also has that time element.

Eric Hecox – the final part of the analysis is we can evaluate against the goals we have laid out, there are some unacceptable outcomes (slide 56). Clearly understand the work we will be doing in the first quarter of 09. Do you understand what we are providing for the next meeting?

Kathleen Curry– I heard you are going to build out slide 55 and I assume you are going to go with a mid-range; this will be in the analysis as well?

T. Wright Dickinson– how then are you going to handle the non-consumptive piece of this? If we say it is unacceptable to damage Ag how are you going to look at keeping Colorado green?

Eric Hecox – as we build these scenarios we are supposed to have maps from the basins. I think we can discuss this further and I can tell you how the Arkansas is approaching it.

Sue Morea – we would migrate the new Ag demands into the scenarios.

T. Wright Dickinson – climate change affects Ag and I'm trying to get a grasp on the outcome of Ag.

Peter Nichols – I feel like the Colorado River is already over appropriated. What do you mean by catastrophic water supply failure?

Eric Hecox – do what we can to avoid a compact call on the CO-River. We would try not to get in a catastrophe situation where people are running to legislation to fix the problem. These are outlines of the things in the future we want to avoid, what are the tradeoffs to meet the needs?

Eric Kuhn – from my perspective on the west slope is the kind of thing you want to avoid on a state level that the water is no good in the Metro area and you run into the critical nature problem of meeting the needs of what is happening. Look at the South Platte and their well problem.

Mike Shimmin – I think every one of the unacceptable outcomes should include the word “risk” I think ultimately that is where we are going with all of this, what we are willing to accept and what we are not.

T. Wright Dickinson – have you taken a moment to look at what it takes to get to 2050, I think about a lot of other countries that have damaged their environment to take care of their human needs. I wonder if we have thought about where it gets stored and can we support that many people in the state without damaging the environment?

Eric Hecox – I have a 2 part answer; one is how do you influence on a local government side and two it’s not a question about whether you grow but how we grow. What we are trying to do is provide the information to have a fruitful discussion. In order to have that and have the information there are storage and infrastructure needs.

Eric Kuhn – Look for some common strategies that you can do in the next 10-30 years, remember the time element.

Jennifer Gimbel – I want to second that, we don’t want to determine now but there may be some common things we can do. It’s important for us to look and say are there any fatal flaws. What the Indians are real good at are planning for the future generations, we have to do this and we can’t put it off.

Eric Hecox – Goes back to the presentation (Slide 60), what are the strategies now to 2035? The Arkansas RT has been one of the first basins to approach this; Jay Winner had to leave so Eric Hecox went through his presentation. They took the vision statement and used it as the framework, they said for sustainably meeting Ag demands they will not lose any irrigated ag economy (refer to Jays slides). So they put together strategies for each point in the vision statement. I am going to stop there and let Peter Nichols or Wayne Vanderschuere add to this.

Peter Nichols – I think Jays concept is to move forward to coming up with specific strategies to meet their future demands so they can talk to other basins since some strategies would involve other basins.

Jeris Danielson – we are trying to develop measurable strategies, if you look at each of these they are quantifiable and measureable.

Wayne Vanderschuere– RT reviewed these last Wednesday; we are trying to put numbers on these and get to the real issues we are trying to address.

Carl Trick - you started a process to go back to the rt's, if these rt's evaluate the strategies then can we recommend to the legislature?

Eric Hecox – with this particular example they will have these pieces then that will be the projects and methods to meet our needs then circulate to other rt's and the IBCC.

Kathleen Curry – I'm losing track of the purpose of the IBCC, I'm losing sight of what we are going to do with this information. We really don't have the ability to do anything.

Harris Sherman – I do think after the RT's have been through this process I think it will be evident that basins need to work with each other. To the extent that the IBCC can be a forum for these discussions to take place I see that as an increasingly important role for the IBCC. I don't think you need to complete technical work before the dialogue starts.

Carl Trick– if a RT takes an IP&P that was developed by SWSI; if they identify this project and not encompassing a cross basin and they need to support to further this along. How do we fit into this scenario? How do we give the support?

Harris Sherman – with the annual appropriation, if there are other areas where we can be helpful I think that is a role the IBCC can play.

Sue Morea – about half the projects will include transbasin projects.

Steve Harris – we are losing ag just because it is going to urban use, most ag water rights are just disappearing and how do we handle it? (Pre 22 Rights)

Eric Hecox – Jay wanted to stress that this was an initial brainstorming and has not been accepted by the Arkansas Rt as of yet. Based on that (slide 61) overall schedule, the reason we talked about the Arkansas is because that is one way the basin is addressing this.

WSRA Criteria and Guidelines – The WSRA Sub-Committee reviewed the Criteria and Guidelines and proposes changes.

Todd Doherty - Criteria and guidelines changes were approved at the last CWCB meeting, if they are approved by the IBCC today they would apply to grants submitted at the March 09 CWCB meeting. Matching requirement, allocation between basin and statewide accounts, under contract within 6 months or funds would be reverted back to respective accounts, reporting requirement, final deliverable, and relationship to the basin wide needs assessments.

Steve Harris – HOA or ditch company? They would be eligible for basic funds, so it's not going towards a private company.

Mike Shimmin – are you intending on drawing a line between unincorporated and incorporated, what about an LLC?

Eric Hecox – I'm not familiar with where the language came from but I we wanted the basin to determine whether that is viable for the basin.

Steve Harris – it's just the wording with unincorporated I think it expands it.

Kathleen Curry– we have Ditch Corporations that would benefit from this. Go back to the allocation (73% statewide and 27% basin funds) I have been hearing that the basins would like to see their percent increase. I would like to know if anyone else is hearing from the basins that they would like to be getting more of the funds.

Jeris Danielson – you're not the only one, we have expanded all of our basin funds we find ourselves now finalizing our non-consumptive needs and we don't have money for that. We would like to see more money to the basin.

Carl Trick – when this was brought before the CWCB I brought up the same thing you said Kathleen, we would like to see more funding to the basin also. I didn't realize the basin was capped at 1 million and the 300 thousand was a gift. I would hate to hold up the approval of the C & G because of this reason because I don't know what kind of period of time that would take and if we don't approve this today I don't know how long it would take.

Bill Trampe – there's been dissatisfaction from the beginning, they have quit or are being very careful about approving projects because they feel they need to use the money to finish the needs assessment.

T. Wright Dickinson– I agree with more to the locals

Jennifer Gimbel – statewide account applies to projects in your basin, it's not that we are hoarding the statewide funds they apply to your basins.

Harris Sherman– I think before we try to change the structure we need to look at these numbers. It's clear to me so far on a statewide basin it has been divvied up fairly. Personally I feel it would be premature to change this now.

Eric Hecox – the subcommittee wrestled with this same issue that's why they decided to address it every year.

Kathleen Curry– You have 4 people saying they want more money in the basin. I don't think we should put the basins through those hoops I am just conveying what I am being told by the people and I can't support these C & G.

Eric Hecox – at least from a process stand point we can change this, so if we follow tradition we need to ask the subcommittee to get back together and the people who have concerns to get together.

Sue Morea – can the subcommittee get back together before March?

Kathleen Curry– I can't procedurally make a motion right now

Melinda Kassen– the sub had talked about getting back together

John Porter – we didn't realize our projects had to be of statewide concern

Todd Doherty – statewide importance is only one of those 4 categories, as these are evaluated against criteria statewide is only one part.

Ray Wright – basins in fact are getting 4% more from the original allocation.

Carl Trick – I would like to respond to John Porters question, as someone who sits on the board the way I go about looking at it if it doesn't have state wide benefit I don't approve it.

Eric Hecox – what does the group want to do: 1. agree with as is, 2. approve with the subcommittee meeting reconvening after the March CWCB meeting, 3. not approve at all today.

Mike Shimmin made a motion to go with option 2 and there was consensus.

Eric Hecox – wrapped it and briefly referred to the last 2 slides on proposed technical work for 2009.

Next Meeting – Monday, March 16, 2009 in Longmont

****The presentations referred to in the minutes can be found on the IBCC website**

<http://ibcc.state.co.us/> (choose the "IBCC" under "choose your basin" then in the search box, enter in the date 12/12/2008 and search for "presentations").