



**WATER RIGHTS EDUCATION PROGRAM
FINAL PROJECT REPORT
JUNE 2010**

PROJECT SUMMARY

<u>Project Name:</u>	Water Rights Education Program
<u>Project Sponsor:</u>	Amy W. Beatie Colorado Water Trust ("CWT" or the "Trust") 1430 Larimer Street, Suite 300 Denver, Colorado 80202 TELEPHONE: 720.570.2897 EMAIL: abeatie@coloradowatertrust.org
<u>Grant Category:</u>	Project Grant
<u>Total Project Budget:</u>	\$63,447
<u>Match:</u>	\$40,000
<u>Amount Requested:</u>	\$23,922

I. BACKGROUND

This funding provided the necessary leverage to build up one of the three program areas essential to the Colorado Water Trust's mission, the Technical Assistance Program ("TAP"), but one which had functioned on a small scale until this year. Up to now, CWT has focused almost exclusively on facilitating water rights acquisitions and enhancing streamflows through physical and structural solutions. However, the critical funds secured from the Colorado Water Conservation Board have allowed us to develop TAP into a more robust program, through which we provide education and technical assistance to local and regional land trusts. Education and technical assistance are important because many land trusts have negotiated and acquired conservation easements without taking into consideration the significance of protecting water rights associated with the land that is being conserved and protected.

The program that has received these funds, our newly-created Water Rights Education Program, has provided much needed baseline information and one-on-one technical assistance to local land trusts on water rights issues. Under this program area, the Trust provided, and will continue to provide, resources to land trusts to assist with water issues that arise in connection with their land conservation activities and to help them realize water-related conservation benefits. The project brought together local and regional land conservation efforts, landowners, local water users, the Trust, state and federal agencies, local watershed groups, and other interested people and groups, bridging the gap between water and land conservation efforts in a real and meaningful way.

The Water Rights Education Program consisted of three primary elements: (1) a series of water rights workshops hosted in various areas around the state, (2) water rights assessments and inventories for select land trusts throughout Colorado, and (3) updated water rights language highlighting best practices for land trusts which are entering into conservation easements and with them, encumbering associated water rights.

It was our intent with this program to create the opportunity for powerful, collaborative partnerships across the state. Not only has that opportunity been realized in both the workshops and the water rights assessments, but there is a new awareness and understanding of the impact and complexity of water in land conservation.

II. RESULTS

II.A. WATER RIGHTS WORKSHOPS

There are thirty-nine (39) recognized local land trusts and fourteen (14) active local governmental entities in Colorado that participate in conservation easement transactions. Additionally, there are numerous organizations and individuals increasingly interested in the different tools available to protect streamflows and riparian habitat in the state. The Colorado Water Trust scheduled five (5) workshops across Colorado to provide an educational opportunity for a broad spectrum of people to learn basic Colorado water law, the complexity of water rights issues, and some of the tools and partners Colorado Water Trust works with to enhance streamflows. We hosted workshops in Basalt, Silverthorne, Fort Collins, and Granby.¹

Each workshop was a full day and covered a number of topics related to the local watershed and the state's instream flow program. A sample agenda has been attached. For each workshop, we recruited local practitioners and experts to speak and all speakers graciously volunteered their time to the effort. With the funding we received for this project, we were able to provide each workshop free of charge to all participants. This was critical to appealing to the wide variety of people who attended. As a sample of the backgrounds of people who attended the workshops, the registration list from the Basalt workshop has been provided.

At the end of each workshop, we requested that attendees complete an evaluation form which we used to refine subsequent workshops to people's interests and other needs. We received overwhelmingly positive feedback from participants. Overall, the four workshops served 120 people.

Challenges: We faced the greatest challenge in those areas where our work is unfamiliar or where we have few contacts. Pueblo is a great example (see Footnote 1). We have done limited outreach to that area and we do not have any active projects there. We discovered that we are likely to have a harder time attracting attendees in areas where we are less-known. This was

¹ We organized a workshop in Pueblo but were forced to cancel due to a lack of participation. With feedback from our recent visit to Westcliffe as part of the Water Rights Assessment (summarized below), we have made plans to host a workshop in Westcliffe instead of in Pueblo. We feel confident that this will attract a larger audience and have been assured that our registered Pueblo attendees will make the Westcliffe workshop.

not something we had anticipated at the beginning of the project. At first, we made plans to offer workshops in as diverse areas of the state as possible. However, we have now changed that plan because it is important with these workshops for us to reach as many people as possible.

II.B. WATER RIGHTS ASSESSMENTS

As part of our initial proposal, we wanted to expand our ability to work with local land trusts to inventory their existing water rights portfolios, educate them about water, and make recommendations for the future. In February 2010, we developed a short application for land trusts who were interested in participating in a water rights assessment. We were able to use the Colorado Coalition of Land Trusts' listserv to notify all Colorado land trusts and governmental entities about the assessment opportunity and how to apply. The application was available on the Colorado Water Trust website. We received six (6) applications and accepted all six. They were: San Isabel Land Protection Trust, Middle Park Land Trust, Land Trust of the Upper Arkansas, Montezuma Land Conservancy, Eagle Valley Land Trust, and Rio Grande Headwaters Land Trust.

Three assessments are nearing completion. The field work has been completed for San Isabel Land Protection Trust, Middle Park Land Trust, and Land Trust of the Upper Arkansas. CWT staff is processing the raw data and developing a catalogue of existing water rights for each organization. In addition, staff will build a set of recommendations on working with water encumbered by conservation easements in the future. These documents will be unique to the individual land trust and will be delivered to them by the end of the summer.

Challenges: Coordinating a time to conduct field work with each organization became the biggest challenge. Most of the participating land trusts are very small organizations (i.e., one or two staff) and summer is the season when they are out in the field doing stewardship work. However, each organization was as excited to work with us as we were to work with them and eventually time was carved out. Most exciting for CWT was our ability to strengthen existing relationships and learn more specifically the areas in which we may be able to help these organizations more in the future.

II.C. WATER RIGHTS MODEL LANGUAGE

Many conservation organizations use template documents for their land transactions. Best practices suggest that these template documents be reviewed every one to two years to assure they are current. The Trust drafted model language in 2002 for the inclusion of water rights in conservation easements and has not revisited it since. We have heard that it is regularly being used, but were unaware of how often it and in what capacity. We wanted to understand more about how it was being used and update the language as necessary while at the same time making it as accessible and user-friendly as possible.

We initially proposed conducting a survey of all the Colorado land trusts and governmental entities that may be using the model language. The survey was put together and distributed to all members of the Colorado Coalition of Land Trusts' listserv. With that format, we received limited feedback, having learned that the best people for us to discuss this issue with were the

attorneys reviewing and finalizing each land trusts' easement documents. We therefore altered course and are speaking to the four individuals who do most of the legal work for land trusts and who have the most intimate knowledge of the use of water rights encumbrance language. We are also obtaining copies of the language used by each of the six organizations participating in the Water Rights Assessments. With this information, we hope to develop updated model language that will be practical for anyone dealing with water rights that are essential to the health of a conservation easement. We anticipate making the updated model language available to all land trusts and governmental entities in the near future.

Challenges: Because we weren't able to anticipate how the model language was used, we did not know the best way to conduct our outreach. After distributing the survey and receiving such limited feedback, we refocused our efforts. It certainly helped that we have close relationships with the many professionals who are active in this specialized area. We believe that this manner of information-gathering will be even more fruitful than the one we initially envisioned.

SUMMARY OF OUTCOMES

We view the launch of the Water Rights Education Program as a success. With the exception of Pueblo, the reception each of our workshops exceeded our expectations. The positive feedback, both verbally and on evaluations, was a testament to the need for and interest in this type of education opportunity. With greater awareness of the water-related aspects of land conservation and the instream flow program, there will be more consideration for the interplay of land and water, improved watershed and streamflow health, and more conservation values protected by conservation easements.

We have received additional funding to be able to continue our education and assessment efforts to the end of 2010. We also anticipate maintaining the Water Rights Education Program on a smaller scale as we move forward. For example, we are considering making assessments available on request and continuing with a few workshops each year in areas where we have targeted our outreach efforts or have first-time projects.



COLORADO WATER TRUST

PRESENTS

WATER ON THE LAND WORKSHOP



AGENDA

June 25, 2010

Community Meeting Room, Granby Library

55 Zero Street

Granby, CO 80046

9 AM – 4 PM

• Welcome & Introduction	<i>Amy Beatie</i> , Executive Director Colorado Water Trust	9:00-9:20
• Water Law 101	<i>Chris Geiger</i> , Balcomb & Green P.C.	9:20-10:45
• Break		15 minutes
• How it Works: The Upper Colorado system	<i>Jason V. Turner</i> , Colorado River Water Conservation District	11:00-noon
• Lunch—on your own	Enjoy the fine local restaurants	noon-1:10
• Colorado's Instream Flow Program	<i>Kaylea White</i> , Colorado Water Conservation Board	1:10-2:40
• Break		15 minutes
• Hot Topics: Pitkin County Trust Agmt Breem Ditch The Abandonment Process	<i>Amy Beatie & Zach Smith</i>	2:55-4:00

Basalt Workshop Attendees

John	Anderson	City of Aspen
		Congressman
Richard	Baca	John Salazar
Kendall	Bakich	DOW-Aquatic Biologist
		Water Commissioner
Bill	Blakeslee	Dist. 38
Dan	Bokenko	City of Aspen
Art	Bowles	Basalt Water Conservancy
Vincent	Cangelosi	Forest Conservancy
Sharon	Clarke	Roaring Fork Conservancy
Martha	Cochran	Aspen Valley Land Trust
Bethany	Collins	Aspen Valley Land Trust
Deb	Collins	Forest Conservancy
Rob	Covington	City of Aspen
Lawrence	Doble	Floodplain Administrator
Ruth	Frey	Forest Conservancy
Mark	Fuller	Ruedi Water & Power Authority
Marcia	Johnson	Forest Conservancy
Pat	McCarty	CSU Extension Office
Mary Anne	Meyer	Forest Conservancy
Shannon	Meyer	Meyer Conservation Services
Tim	O'Keefe	Roaring Fork Conservancy
Mark	O'Meara	Town of Carbondale
Maggie	Pederson	

Susan	Philip	Basalt Planning Director
Megan	Phillips	
		Glenwood Assoc. of Realtors
Jack	Pretti	
Nathan	Ratledge	Aspen CORE
Rachel	Richards	Pitkin Cty Commissioner
Judy	Schramm	Forest Conservancy
		Colorado Watershed Assembly
Kristen	Shew	Healthy Rivers & Streams Advisory Board
Lisa	Tasker	
Tom	Thompson	Eagle River Sanitation Dist
Sarah	Thorsteinson	CO Assoc. of Realtors
Linda	Ukraine	
Dick	Wells	
John	Werning	
Kendall	Williams	Realty & Design Assoc
Laurel	Williams	
		PitCo Healthy River Advisory Board
Greg	Poschman	
Mark	Feinsinger	City of Aspen
Rose Ann	Sullivan	Kootenay Resources
Chris	Geiger	Balcomb & Green
Mary	Lacy	
Andy	Rosello	
Rick	Lofora	ED Roaring Fork Conservancy
John	Ely	PitCo Attorney



**COLORADO WATER TRUST INVOICE
FOR
WATER EDUCATION PROGRAM 2009-2010**

June 29, 2010

PROJECT ELEMENTS	GRANT AMOUNT	AMOUNT BILLED
PROJECT COORDINATION Curriculum development and event planning	\$7,176.00	\$7,176.00
ELEMENT I: EDUCATION <i>Deliverable:</i> 5 water workshops around Colorado* <i>Delivered:</i> Final workshop held June 25, 2010	\$2,974.00	\$2,974.00
ELEMENT II: WATER RIGHTS ASSESSMENTS <i>Deliverable:</i> Conduct 3 water rights portfolio analyses <i>Delivered:</i> Final assessment completed June 25, 2010. Recommendations to follow.	\$10,078.27	\$10,078.27
ELEMENT III: WATER RIGHTS MODEL LANGUAGE <i>Deliverable:</i> Model language available to land trusts for use in encumbering water in conservation easements. <i>Delivered:</i> In process of being reviewed and updated. Will be part of larger update of CWT <i>Water Rights Handbook</i>	\$3,693.00	\$3,693.00
TOTAL	\$ 23,921.27	\$ 23,921.27

*Note: Although the Pueblo workshop was cancelled, all the costs associated with arranging the workshop were incurred (i.e. room rental, staff time, marketing, etc.). We were forced to cancel 5 days prior to the scheduled date due to lack of interest as explained in our written final report.

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