

**Interbasin Compact Committee  
October 14, 2010  
The Abbey  
2651 E. Highway 50  
Canyon, CO**

**IBCC Members in Attendance**

Dan Birch	Taylor Hawes	Bill Trampe
Carlyle Currier	Rod Kuharich	Carl Trick
Jeris Danielson	Melinda Kassen	Wayne Vanderschuere
Alex Davis	Eric Kuhn	Steve Vandiver
Jeff Devere	Peter Nichols	Marc Waage (alt. Metro)
T. Wright Dickinson	John Porter	Eric Wilkinson
Rep. Randy Fischer	Mike Shimmin	Jay Winner
Steve Harris	Travis Smith	

**Staff in Attendance**

Heather Bergman – Peak Facilitation	Todd Doherty – CWCB	Sue Morea – CDM
Jacob Bornstein – CWCB	Jennifer Gimbel – CWCB	Nicole Rowan – CDM
Viola Bralish – CWCB	Eric Hecox – CWCB	Dori Vigil – CWCB
	Greg Johnson – CWCB	

**Members of the Public Attended**

**Introduction and Goals**

Alex Davis started the meeting, summarizing the plan and goals for the day. The goals for the day included:

- Reviewing the subcommittee reports, asking questions as needed, and providing feedback to the subcommittees if additional work is needed
- Talking about the report to the Governor that is due this December

Eric Hecox explained the new graphic that was prepared by staff at the request of the New Supply Subcommittee. The graphic provides a visual summary of the “four legs of the stool” approach to addressing the M&I supply gap that the IBCC has been discussing.

**Discussion Highlights**

**Identified Projects and Processes (IPPs) Subcommittee Report**

Travis Smith summarized the discussions of the IPP Subcommittee and the contents of the [IPP Subcommittee Report](#).

Questions and feedback from IBCC members included:

- This document is strong because it includes words like “should” and “will.” In Paragraph 6, the word “could” should be changed to “should.”
- On the Task Force, it might be good to separate entities that have decision-making authority from others, as their function is different.

- It would be good if the Task Force could set and meet decision-making deadlines. Otherwise, a non-response from decision makers becomes an onus on project proponents.
- Does this process intend to bind the future administration? Does it apply to projects that take a long time and could be considered “multi-generational”?
- A spirit of goodwill and bipartisanship is critical to the success of something like the Task Force.
- The Attorney General’s Office is missing here. How do we improve the situation in water court, since everyone is constrained by court decisions?
  - The document does not change the water court process, but it does aim to make it quicker.
  - This document focuses on how the administrative branch of the government can better facilitate the process. We need to focus on what is workable.
  - There is some ability to expand the Task Force as needed. For each individual project under consideration, the Task Force or the Department of Natural Resources (DNR) would solicit the proper people and entities to be involved in the process.
  - We are not hostages to what the water court does and we can change the law, but sometimes we do not think creatively enough. We may need a broader discussion on this. There are alternatives for us to consider and explore.
- Paragraph 5 is very good. It says that the State of Colorado will throw their weight behind a project. The role of the public needs to be added in there--through their elected representatives. One big concern is another layer of government that limits public access into the process.
  - Members of the public who believe they are stakeholders can be involved in the process.
- It is important that the State look at this on a project-by-project basis. There are some projects out there that do not need to go through the process. It is important that the State coordinates its efforts and that conversations occur under the same umbrella. Waiting until the tail end just does not work.
- This document does not include the Water and Power Authority at all. Was that discussed? Should it be included? This is just something for the group to consider.

IPP Subcommittee Next Steps: The Subcommittee will change “could” to “should” in Paragraph 6. With this change, the IBCC agreed to the document and the Subcommittee’s work is complete.

### **Conservation Subcommittee**

Wayne Vanderschuere summarized the discussions of the Conservation Subcommittee and the contents of the [Conservation Subcommittee Report](#).

Questions and feedback from IBCC members on the near-term recommendations in the Conservation Subcommittee report included:

- Part of the process needs to be coalitions and collaboration about conservation.
- Migration to high-efficiency appliances will be natural over time, but we would like to see it happen at a quicker pace.

- This document is currently focused on residential, but the concepts apply to commercial.
- We should be careful about looking to conservation to address the gap by itself.
- We have to be cautious, because some communities cannot afford to revamp rate structures.
- In the section on water loss, we could also include “the State will facilitate in helping achieve these goals with the smaller entities.” This would help address concerns about mandates, and a lot of the small communities would welcome the help. It is probably easier to fix the leaks than to take the buy-and-dry approach.
- We need to educate people instead of walking into the Legislature and asking them to address these issues. We need to talk to folks, find out what the costs are going to be, and put some reasoning into it.
- Paragraph 4 refers to two separate concepts. We should split it into two separate paragraphs.
- We should be careful about making things mandatory and taking away local control. Local control in planning and deciding the ultimate use of conserved water is critical. Individual water providers should decide for themselves what to do with conserved water.
  - The Subcommittee is not trying to tell water providers how to use the conserved water.
  - There will always be a certain amount of leakage, and it is a continual battle we will face. Those losses are not figured into the gap, and the amount is really larger than 10-15%. There are a lot of variables that are not calculated into a gap figure.
  - The Conservation Subcommittee did not attempt to identify the amount of conserved water that could be applied to the gap, although it is an important leg of the stool we are building and we should be comfortable with whatever number is assumed or assigned. Is the number 500,000 acre feet?
  - Passive conservation will all be applied to the gap one-for-one. This is implied on the new supply graph--passive conservation never shows up as a demand. Active conservation may not be applied and/or may not be applied one-for-one.
  - The IBCC needs to address this issue and figure out how to identify an amount or a percentage of the gap that can be addressed with conserved water. This issue should be included in the IBCC work plan for 2011.

Questions and feedback from IBCC members on the longer-term recommendations in the Conservation Subcommittee report included:

- We should examine ways of doing these things without creating more bureaucracy.
- There are questions about timing on the migration to more efficient appliances. Are we trying to accelerate this transition through real estate point of sale legislation?
  - The goal of this item is to figure out how to accelerate this. California has done some of this and we should investigate it some more.
- We should be careful about mandating things that people may not be able to afford, particularly with regard to agriculture.
  - Perhaps we could consider language like, “Continue to investigate and discuss whether conserved water from improved agricultural practices can be used.”

- Agricultural efficiency can increase consumptive use, reducing the return flow patterns. The term “redirect” is troublesome and it is not clear whether conserved agricultural water could legally be sent to other areas.
- We need to explore how we can create an incentive to use the smallest amount of water necessary. This incentive currently does not exist.
- The Conservation Subcommittee has done a great job touching on sensitive issues. We should let the Subcommittee determine how to improve items 3 and/or 4 to address the concerns raised today.
- There are several items in this document that need further discussion.

Conservation Subcommittee Next Steps: The Conservation Subcommittee will make changes to their document to reflect the feedback from the IBCC. The long-term recommendations in the Conservation Subcommittee document should be considered for further IBCC discussions in 2011.

### **Alternative Agricultural Transfers**

Todd Doherty gave an update on the Alternative Agricultural Transfer Methods Task Force. Todd suggested that the IBCC establish a subcommittee to assess the work of the Task in order to put together some draft recommendations from the IBCC to the Governor on this issue.

Agricultural Transfers Next Steps: The IBCC agreed to establish a subcommittee to prepare draft IBCC recommendations on agricultural transfers for the full IBCC to review and discuss at the December meeting.

### **New Supply**

Peter Nichols and Eric Kuhn summarized the discussions and the contents of the report from the [New Supply Development Subcommittee](#).

Questions/feedback from IBCC members included:

- We may all agree on the principles listed in item #1.
- This document appears to suggest a change to the priority system. It suggests that some junior water rights holders are more senior than others. That is not an acceptable path for the IBCC to take.
  - The document does not intend to overturn the priority system. Rather, it outlines a risk management system that involves all of us.
  - Would a transbasin project get shut off in this approach?
- It is not clear what is in this package for the water developers.
- This document is acceptable if the reference to agricultural transfers is removed.
- We are trying to develop something different than what we have done in the past. We have this approach on the table, which may help us successfully find some way to bring water from the West Slope and get us 80% of what is needed. The potential gains far outweigh the risks. For the first time in 5 years, we have the elementary framework of the interbasin compact. We are on the verge of achieving our core mission.
- The IBCC may not be able to include anything in the report to the Governor about new supply, since we have just started having the dialogue. This document needs a lot of

work and discussion. Things that are needed are clearer definitions of terms, clearer criteria for project evaluation, clarity on certainty and assumptions, and clarify on how counties' interests and those of the environment will be addressed.

- It may be that there are parts of this document that we cannot agree to today, but we need to figure out how to create four legs of the stool and one of those legs is new supply. If we do not find a way to do that, agriculture will be the first thing to go, followed by environmental needs. We should keep working on this package.

Alex Davis asked the IBCC members about they felt about the new supply graphic that was introduced at the beginning of the meeting. Responses to this question included:

- The graphic is a very good visual.
- Without the numbers on the y-axis, the graphic could do more harm than good when it is released to the public.
- It is unclear how non-consumptive needs get addressed in this graphic. This is a cause of some concern.
- It would be helpful to add a sentence or two about the graphic being a visual depiction of a larger conversation that the IBCC is having, and to state that the IBCC expects to examine the numbers and discuss portfolios in 2011.

New Supply Subcommittee Next Steps: The IBCC agreed that the New Supply Subcommittee should meet again before December 1 to discuss the issues and concerns that were raised at this meeting and determine if/how these concerns can be addressed.

### **Non-Consumptive Needs**

Jacob Bornstein gave a quick update on non-consumptive needs. A member of the IBCC suggested that a subcommittee be establish to review CWCB's fact sheet on non-consumptive needs and draft some recommendations for the IBCC to review and discuss in December.

Non-Consumptive Needs Next Steps: The IBCC agreed to establish a subcommittee to prepare draft IBCC recommendations on non-consumptive needs for the full IBCC to review and discuss at the December meeting.

### **Report to the Governor**

Alex Davis asked several members of the IBCC to sit on a subcommittee to help draft the report to the Governor. This group will work with Alex to prepare a draft for the IBCC to review.

### **WRSA Criteria and Guidelines**

Due to time constraints, the IBCC was not able to discuss the Water Supply Reserve Account (WRSA) criteria and guidelines during the meeting. The IBCC agreed that the criteria and guidelines should be circulated to members via email for review and approval.

### **Next Meeting**

The next IBCC meeting is on December 1, 2010. It will be held at the Sheraton West in Denver. Additional details and an agenda will be forthcoming.