

IBCC Colorado River Basin

1. July 7, 2014 CBRT Minutes

1. **July 7, 2014 CBRT Minutes – IBCC position on New Supplies, Basin Implementation Plan draft final discussion**
2. **Next Meeting: July 28, 2014, Glenwood Springs Comm Ctr, 12:00 – 4:00.**
3. **Reporter: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, kenransford@comcast.net.**
4. **Upcoming Meetings:**
 - a. August 21, 2014, 5-7 PM Water Interim Committee will meet at the Glenwood Springs Library to take testimony regarding the Colorado Water Plan.
5. **CBRT Members Present:** Kim Albertson, Art Bowles, Linda Bledsoe, USFS, Caroline Bradford, Linn Brooks-ERWSD, Stan Cazier, Kimberly Bullen, Rifle, Steve Child, Kathy Chandler-Henry-Eagle County Commissioner, Carlyle Currier, Lurline Underbrink Curran, Fred Eggleston, Xcel, Mark Fuller, Karl Hanlon, Mark Hermundstad, Bruce Hutchins, Diane Johnson, Wes Mauz, Mike McDill, Louis Meyer, Ken Neubecker, Chuck Ogilby, Jim Pokrandt, Ken Ransford, Rachel Richards, Steve Ryken, Karn Stieglemeier, Mike Wageck, Lane Wyatt, Bob Zanella
6. **Guests:** Ken Baker, Paula Belcher, Jacob Bornstein, Paul Bruchez, Reeder Creek Ranch, Kerry Donovan, Vail Town Council member and candidate for Colorado Senate District 5, Angie Fowler-SGM, Brent Gardner Smith, Andrew Gilmore-Bureau of Reclamation, Rep. Millie Hamner, Morgan Hill, Garfield County, Bill Jochems, Pitco Healthy Streams Board Member and Crystal River WSR advocate, Ramsey Kropf, Esq., representing Gypsum, Eric Kuhn, CRD, Brendon Langerhoizen-SGM, April Long, City of Aspen, David Merritt, Representative Bob Rankin, Suzanne M. Stewart, SGM, Mitch Stypinski, Brent Uilenberg, Kirby Winn Garfield County Oil and Gas
7. **River outlook.** Colorado River water levels are still higher on than average for July 7.
 - a. 4,800 cfs at Dotsero.
 - b. 9,000 cfs at Cameo, 5,700 cfs is normal on this date.
8. A recent landslide near Collbran was $\frac{3}{4}$ mile wide. It caused 3 fatalities. The slide is just east of Vega Reservoir, and Jim Pokrandt shared photos taken from a plane.
9. **IBCC Report – Eric Kuhn described the IBCC committee**, which was created by HB 05-1177 legislation. The IBCC has 6 at-large members, 2 from each roundtable, one appointee from each of the Colorado House and Senate, and the chairperson, for 27 total.

This group is intended to **ratify any inter-basin compacts negotiated between the roundtables**; to date, this hasn't happened. The IBCC was charged with establishing a common technical platform so that all groups speak the same language, and create an environment so the roundtables could have conversations among themselves. The CWCBC and Governor's Executive Order will look to the IBCC for what should be included in the Colorado Water Plan.

- a. It is not a legislative body or a body to tell the roundtables what to do.
 - b. **The major issue is New Supply** and, if we have a transbasin diversion, what the parameters should be.
 - c. All roundtables are working hard on their BIPs. They haven't had the time to discuss issues in depth in the same way that the IBCC has been addressing New Supplies.
10. **Carlyle's report on IBCC: the most difficult decision is if and when a transbasin diversion occurs.** The seven New Supply parameters the IBCC has agreed upon are listed below; these were released by the IBCC on May 22, 2014, and were also included in the June 9 CBRT Roundtable minutes. Member comments are listed below each of the 7 points.
- 1) **The East Slope is not looking for firm yield from a new transbasin diversion project and would accept hydrologic risk** for that project.
 - a. These **New Supplies only come from surplus water on the West Slope**. If water isn't available, the New Supply water right won't be filled.
 - b. **If the East Slope wants to firm up these rights, they need to back them up with Interruptible Supply Agreements with agricultural water users.**
 - c. Lurline Curran complimented the IBCC on reaching this, but she emphasized that **local control manifested in 1041 powers must be retained.**
 - d. Deal with environmental issues ahead of time pro-actively, rather than reacting to environmental impacts once they've happened.
 - 2) A new transbasin diversion project would be **used conjunctively with East Slope interruptible supply agreements, Denver Basin Aquifer resources**, carry-over storage, terminal storage, drought restriction savings, and other non-West Slope water sources.
 - 3) In order to manage **when a new transbasin diversion will be able to divert, triggers are needed.**
 - 4) An insurance policy is needed for existing uses, "agreed-to" projects, and some reasonable increment of future West Slope development.

- a. Wayne Vanderscheure from Colorado Springs Utilities noted that this insurance policy was essential.
- b. This insurance policy will not insure New Supply transbasin diversions.
- c. **Most ski area snowmaking rights and many West Slope municipal water rights are post -1922 water rights.**
- d. Eric says **the West Slope needs to agree upon what is covered by the insurance policy. The more you “insure” the more agriculture has to give up in a dry year.**
- e. This will be part of the Colorado Water Plan.

5) **Future West Slope needs should be accommodated** as part of a new transbasin diversion project.

6) **Colorado will continue its commitment to improve conservation and reuse.**

7) Environmental resiliency and recreational needs must be addressed both before and conjunctively with a new transbasin diversion.

11. Member Comments on the **IBCC’s New Supply Parameters**

- a. Carlyle said it was **very hard to reach consensus** on these points, and that the East Slope has given up more than the West Slope. We came to this agreement because the Front Range is aware of how low Lake Powell and Mead are today (55% and 48% respectively). **The IBCC has had 49 meetings** since being formed in 2005.
- b. **Jacob Bornstein says that the Roundtables need to weigh in on this.** Jacob prepared a **17-page memo** on this and Jim Pokrandt will send it out to Roundtable members. This will be part of the Colorado Water Plan, and we will also discuss this at another statewide roundtable summit in March 2015.
- c. Ken Neubecker – does every water provider need to abide by these 7 points? No, according to Jacob Bornstein, but **these 7 points must be present in order for the CWCB to support a New Supply project.** Even if the Colorado Water Plan adopts these 7 points, they are not legally binding.
- d. Eric Kuhn said **the IBCC wants advice on contingency planning.** The Upper Basin Compact Commission is also looking into this, and when it reaches consensus, the IBCC will request assistance from the Roundtables to determine which Roundtables will reduce use in order to keep water levels in Lake Powell above the dead pool limit where no power is produced (3,490’). **Irrigation will not have to solely absorb any calls, and parties that forego exercising their water rights will be compensated. The goal is to prevent Lake Powell and Mead from going below 3,490’ above sea level by 2026,** when the Interim Agreement is subject to renegotiation. The latest forecast suggests that only 99%

of average inflow is going into Lake Powell in 2014, despite the high runoff experienced in the Upper Colorado River Basin.

- e. About 50% of West Slope's post-1922 uses are exports to the Front Range.
12. Louis Meyer, Angie Fowler and Brendon Langerhoizen of SGM led a discussion on the Basin Implementation Plan. Over 40 members submitted comments. Most of the 74 water providers in the CBRT have commented in on this plan.
- a. The Basin Implementation Plan will be delivered to the CWCB on July 14, 2014. On July 16, each roundtable will have 45 minutes to present the plan to the CWCB. The BIPs technically aren't due until July 31, 2014.
 - b. **August 29, 2014 – the CWCB will release a draft Colorado Water Plan** with new chapters that integrate the BIPs. **Comments can be received by Oct. 10.** The first draft is CWP due 12/10. Basin Implementation Plans for each basin will be attached as appendices to the Colorado Water Plan. The final BIPs are due in April 2015. Next July 2015 the second draft of the BIP plans are due.
 - c. Mark Fuller asked about **the legislature's roll** in this. SB 14-115 sets forth a mechanism to educate the General Assembly about this process. Bob Rankin suggested that **the South Platte groundwater bill and the irrigation efficiency bill SB 14-23 did not pass because they got out ahead of the Colorado Water Plan**, and he thinks that the Colorado Water Plan should try to stay in front of further attempts to tweak Colorado water law.
 - d. The loaded term *smart growth* was replaced with **water conscious land use planning**.
 - e. There are 3 maps for each of the 7 sub-basins:
 - i. Consumptive Uses: Nothing smaller than 5 cfs or 25 af is shown on the maps.
 - ii. Environmental and Recreational Conditions.
 - iii. Identified projects and processes.
 - f. Data from 74 water providers was added in this version. CWCB wants to know how the CBRT will meet its gap.
 - i. Population planned now – 331,000 now on the West Slope, growing to 625,000.
 - ii. 59,000 af demand grows to 125,000 af demand by 2050.

- iii. Acres of irrigation that water providers have – The Colorado Basin area has 10,000 acres of lawns compared to 268,000 irrigated agricultural acres. This figure of 10,000 acres does not refer to water owned by water providers; it is land being irrigated by homes within areas served by water providers.
 - 1) About 30% of people live outside of areas served by water providers, so estimated M&I water consumption should be increased by 20-30%.
- g. SGM projects that **4,100 af is consumed to grow lawns on the West Slope, and this is expected to grow to 8,900 af by 2050.**
- h. **Consumptive use by water providers is 19,000 af, compared to 536,000 af by agricultural interests.**
- i. Where should we focus on conservation – indoors or outdoors?
- j. The data does suggest **there's no need for a single large reservoir on the West Slope.** There may be a need for small reservoirs high in the basins.
- k. The CWCB assumed we would reduce our use by 2050 by 7% from passive conservation – i.e., indoor low-flow fixtures and appliances. This is reflected in SGM's figures. However, the CWCB's high conservation target represents a 36% reduction in use from current levels. Thus, **the conservation savings targeted in the BIP understate the high conservation target that the CBRT has agreed to strive for.**
- l. The July 7 BIP draft includes new Section 5, Next Steps.
 - i. Develop a basin-wide Stream Management Plan.
 - ii. **Develop better Basin modeling of river flows.** If you develop a new project at a particular location, what will it do to stream flows?
 - 1) Start with State Mod CDSS model, and make it more user friendly with a GIS mapping component. Counties could use this to plan their future.
 - 2) SGM could prepare a budget to apply to the CWCB for this.
 - 3) Lurline says modeling is complex and must be updated constantly. This should be done at the State level. **Denver Water has a whole department that works exclusively on its PACSIM model to estimate river flows.** We can't do this by ourselves on the West Slope.

- a) **These models are proprietary**, so we cannot use Denver Water's model. A lot of assumptions go into this model.
 - b) PACSIM is very robust. In order to **understand the output, we have to know what the assumptions are**. We need something that we can all rely on.
- 4) Jacob – the state's **CDSS model has cost over \$10 million** to develop; we won't get a better model. Steve Malers is the lead programmer working on this. Jacob recommends that Louis and **SGM talk with Steve Malers to see if a user interface can be developed** to make this easier. Now, the CDSS is very hard to use.
- 5) 50% of the water providers have a hydraulic model that has every tank and fire hydrant – these models are very complex but it can be done. We can do this.
- 6) **Linn Brooks said that ERWSD has its distribution system modeled, but it does not predict flows on the Eagle river**. A model that does this would be very valuable.
- iii. Resolve the need for future reservoirs.
- iv. Examine the **politically acceptable conditions of a future supply project out of the Colorado Basin**.
- v. Support regional cooperation so that water utilities could share water with one another. This could avoid the need for a lot of new projects. The Grand Valley and Eagle River valleys have done this to great effect. How could we duplicate this to the Roaring Fork, Fraser, or Middle Colorado?
- vi. Prepare for an uncertain future.
- vii. Implement high conservation standards.
- viii. Ensuring the protection and maintenance of our agriculture. The agricultural community says the plan doesn't adequately represent their interests.
- ix. Creating the connection of land use and water demand. This will vary by location in the basin.
- x. Protecting our Basin administration – i.e., how the Shoshone and Cameo Calls are administered.

- xi. Determining reasonable calculated estimates of future water supply in the Colorado River Basin. Under what conditions will a New transbasin diversion Supply be acceptable to us?
 - xii. Planning and accounting for uncertainties in future water demands.
- 2. Mark Fuller – **We should dedicate a revenue stream** to implement next steps. This is best done on a Basin level according to Mark. Bob McDill says that all of these recommendations should have a budgeted amount. For example, what would it cost to purchase Shoshone?
 - a. Representative Bob Rankin said that **there won't be General Fund money available for the long term. We need a dedicated funding stream.**
- 3. **Kim Albertson says that he doesn't think there should be any change to Colorado water rights and the prior appropriation system.** Louis said that he wasn't emphasizing that water law should change, but that water law should evolve.
 - a. A lot of people don't understand the importance of this plan.
 - b. We need more support for storage. We could use it to fill Lake Mead.
- 4. Carlyle Currier – there's a strong emphasis on niche markets like Sunday vegetable markets. **The big commodity on the West Slope is beef**, and there aren't enough people on the West Slope to eat the beef that is produced here. The same is true of Palisade peaches. **Los Angeles and other far away markets purchase West Slope agricultural produce.**
 - a. We need to maintain a regulatory environment in which we can operate. Selling local foods in local markets won't solve our problems.
- 5. Caroline Bradford – **We need another section with budgeting and funding.** Jacob Bornstein said we have until **April 2015 to address this.**
- 6. Rachel – Buy and dry was the big threat to agriculture, but the Colorado Water Plan won't interfere with this. What other tools can support agriculture if we can't eliminate "buy and dry? " What can we do to strengthen agriculture?
 - a. Carlyle said, "I'm all in favor of free markets, but if one person sells water out of a ditch, they have a big advantage over the other ditch users because there's less water for the remaining ditch owners." Carlyle said this has to be accounted for, but he doesn't know how.
 - b. We should **create an ag sustainability task force** to look at just this issue.
- 7. Paul Bruchez said that **ag guys are best left alone.**

8. Ken Neubecker – none of us want to see agriculture go away, but it has the largest target on its back.
9. **Bob Rankin said buy and dry is occurring a lot**, and he hears a lot more about it from the South Platte than from the West Slope. This is a serious threat statewide. There's no consensus about how to protect agriculture. **It should be part of the plan.**
10. Ramsey Kropf – there should be funding for agriculture to become more efficient. There is funding for this from the NRCS according to Carlyle Currier. The USDA has designated the Colorado River Basin as a Critical Conservation Area.
11. Kirby Winn – Sub-region breakdown plans should be more cohesive. For example, only the middle Colorado region identified emerging contaminants or endocrine disruptors as an issue, but these affect the river everywhere. Water quality impacts are identified in the Roaring Fork region, but not the others. This doesn't make sense. These should apply to all regions.
 - a. **Eagle utilizes local controls to address land use issues.** This is good and should be true of all the regions.
12. Steve Ryken – Ag buy and dry pressure is coming from our population doubling. **To increase firm yield, you need to acquire a senior water right or put water in storage.** Reservoir development has tremendous pressure from regulatory authorities – you can spend millions on studies and not end up with anything. This regulatory complexity is a big problem.
13. Lurline – Reduced indoor water use increases the concentration of pollutants in water and makes it harder for wastewater treatment plants.
 - a. Does this meet the master plan?
 - b. If other parties buy up agricultural water rights in Grand County, we don't mind as long as the water stayed on the West Slope.
 - c. Ken Ransford recommended staying with the vote that was made by the CBRT on June 23 to meet the high conservation goal because:
 - i. High Conservation sends a good message to the Front Range.
 - ii. We're going to reach high conservation targets anyway according to Western Resource Advocates.
 - d. Rachel Richard – **The South Platte Basin hopes to get a 15% reduction in M&I use by voluntary reductions**, and those efforts won't even drop their use below what Denver Water does now. If the voluntary efforts don't materialize, they won't even reduce water use by 15%.

14. Ken Ransford – **the seven sub-regions identified IPPs** (Identified Projects and Processes) **that total over 360,000 af**. Moffatt Firming (18,000 af), Windy Gap Firming (30,000 af) and Wolcott Pumpback (105,000 af) **Front Range add another 153,000 af to this**, for over 515,000 af total in additional storage or diversions to the Front Range in the CBRT area alone.
 - a. Rachel suggests we **add a caveat that these IPPs haven't been vetted**, and that some will fall out if others are built. We could have ongoing meetings in the Basin and prioritize these.
 - b. Louis Meyer – **a lot of these are conditional water rights**. We can't tell what regions what they can and cannot include.
 - c. Jacob Bornstein – In **SWSI**, they focused on needs, rather than supplies. They were **concerned that listing all potential supplies would result in over-commitments that aren't feasible to develop**, which is what is true of the Colorado Roundtable's Basin Implementation Plan.
 - d. Ken Neubecker – This is reminiscent of SWSI 2002 when the potential supplies vastly outweighed future demands.
 - e. **Lurline Curran – Everything should be included in the list**, since you never know when you'll need it. We don't want to be told in the future that we can't develop a project because it wasn't on the list.
 - f. Louis Meyer said that **conditional water rights from the Middle Colorado River to the state-line total up to 50,000 cfs**. They are clearly unrealistic.
15. **Clifton Water** - Water quality is very important. Diversions have a measurable impact on water quality, and **any further diversions affect water quality**. That does matter.
16. Angie Fowler – we could establish subcommittees to address the themes we've discussed today:
 - a. Agriculture
 - b. Water quality