



**COLORADO**

**Colorado Water  
Conservation Board**

Department of Natural Resources

1313 Sherman Street  
Denver, CO 80203

P (303) 866-3441

F (303) 866-4474

John Hickenlooper, Governor

Bob Randall, DNR Executive Director

Rebecca Mitchell, CWCB Director

**TO:** Colorado Water Conservation Board Members

**FROM:** Brent Newman, Interstate, Federal, & Water Information Section  
Karen Kwon, Colorado Office of the Attorney General

**DATE:** November 15, 2018

**AGENDA ITEM:** 20. Colorado River Basin Drought Contingency Planning

---

## Background

Since January 2018, CWCB staff and members of the Attorney General's Office have been conducting a series of outreach presentations across Colorado regarding drought contingency planning efforts underway in the Colorado River Basin. Consistent with direction from the Board, these efforts have served dual purposes: to educate and inform interested water rights holders and other stakeholders about the status of ongoing efforts to develop drought contingency plans in the Upper and Lower Colorado River Basins, and to solicit feedback from Colorado water users regarding the concept of demand management as a potential tool for avoiding compact administration in the event of continued drought or worsening hydrology.

At the September 2018 Board meeting, staff provided an update on ongoing outreach efforts, the relationship between ongoing interstate efforts to implement DCPs in the Upper and Lower Basin, and the evaluation of demand management as a tool within Colorado. The Board heard comment from a variety of water managers, stakeholders, and members of the public regarding opinions, challenges and opportunities presented by potential implementation of demand management.

At the October 4, 2018 Special Meeting, the Board directed staff to continue this outreach, including providing information about the recently released Drought Contingency Plan (DCP) documents. The Board also directed staff to prepare a "draft policy statement" for Board review at the November meeting, to guide the assessment, feasibility analysis, and potential implementation of a demand management program within Colorado.

Staff has been working on a draft: "Support and Policy Statement Regarding Colorado River Drought Contingency Plans and Compact Compliance Strategies in the Upper Colorado River Basin." The draft reiterates the Board's leadership role on efforts to evaluate demand management as a potential tool within Colorado, and is responsive to concerns identified by water users and other stakeholders in letters to the Board, in public comment at the



September 2018 meeting, and through the extensive public outreach conducted by CWCB and AGO staff since January.

This draft will be posted on the CWCB website on November 12, 2018 with Board discussion to be held on November 15<sup>th</sup>.

### **Staff recommendation**

Staff recommends the Board, in consultation with the State Engineer, adopt a policy statement that sets forth the State's approach for determining how evaluation, exploration, and development of any demand management program in Colorado will proceed. The intent of this statement will be to appropriately capture and address both current and future input regarding demand management as it evolves. Staff will be prepared to present the Board with considerations regarding the draft policy statement, following the opportunity to have any legal advice provided during executive session.

