IBCC call Colorado River Basin

1. April 22, 2019, CBRT Next Steps Committee Minutes.

1. **Upcoming Meetings**

   a. May 8, 2:00 PM, Demand Management subcommittee conference call.
   b. Mon, May 20, CBRT Roundtable Meeting, 12-4 Glenwood Springs Community Center.
   c. June 20, 4 Basin West slope meeting, Ute Water.
   d. September 25-26, Winter Park, 2-day roundtable summit

2. Reporter: These minutes were prepared by Ken Ransford, Esq., CPA, 970-927-1200, ken@kenransford.com.

3. **Present**: Nathan Bell, Don Boyer, Paul Bruchez, Stan Cazier, Carlyle Currier, Angie Fowler, Hannah Holm, Bruce Hutchins, Kirsten Kurath, Bailey Leppek, Heather Lewin, April Long, Ken Neubecker, Jim Pokrandt, Ken Ransford, Scott Schreiber, Gail Schwartz, Karn Stieglemeier, Richard Vangytenbeek, Lane Wyatt, Robert Sakata, Victor Lee, Laurie Rink, Kim Albertson, Nathan Bell, Brent Gardner Smith, Margaret Medellin,

4. **WSRA grant fund**. There is $157,416 remaining in the CBRT WSRF Basin Account.

5. **Perry Ranch grant request.** The grant request is for $162,000, which would spend all of the CBRT's WSRA balance. April Long said this is too big an ask for the CBRT. Karn agreed; she wondered how this scored under the matrix; Jim Pokrandt said he stopped completing the matrix after he was the only one completing it. He said the Perry project had the benefits of protecting water rights and sustaining agriculture. Nathan Bell said the total project cost is $212,000, so they are asking he CBRT for over 75% of the project. Ken Neubecker has similar reservations; they need to get contributions from other potential funders. Carlyle suggested that they should get funding from the NRCS; even if we receive additional funds from the CBRT, it would be a stretch to fund this project.

   a. **Angie Fowler recommended that we consider a partial grant** that serves as a matching grant.

   b. **Nathan Bell said that since this is a private entity** they **qualify for an NRCS EQIP grant** and possibly a grant from the RCPP, the Regional Conservation Partnership Program, which are available up to 50-70% matching funds. They had NRCS funding twice in the past.

   c. **Paul Bruchez suggested that the applicant meet with Derek Wylie at the NRCS.** Paul Bruchez and Carlyle Currier expressed doubt they could qualify for RCPP funding. Also, the Glenwood Springs NRCS office has quite a backlog.

   d. Jim Pokrandt summarized **the consensus,** which is that **they need to explore other funding before we will commit**. Stan Cazier said that we should inform

the Perrys that the funding we can provide will depend on the funds available at the time.

6. **Hammond Ditch $27,000 grant request, presented by former CBRT member Kirk Klancke at March meeting**

   a. Ken Neubecker said that it **comports with Learning by Doing**, and since there are so many players involved with rehabilitating the Fraser and Colorado Rivers in Grand County, it would provide good recognition to the CBRT to fund this.

   b. **Paul Bruchez said we should support Denver Water and Northern, and agreed this is a great project**. Paul said he's working on another fish screen project, and he said the cost is not as much as you might think.

   c. Jim Pokrandt summarized the mood of the group: It comports with our Basin Implementation Plan, the price is right at only $27,000, it's novel and could be groundbreaking. He cautioned that **there could be another request for funds later**. The consensus of the group was to fund it fully.

   d. Victor Lee questioned if it was just for the design, and whether there would be additional asks. Bruce Hutchins thinks there could be since this is a new concept. Richard Vangyten Beek said the Ware and Hinds ditch did not have a fish screen. He cautioned they **require a lot of maintenance to keep logs from clogging** up the fish screen, and the ones that work can be expensive and complex.

   e. Stan Cazier said there are other ways to fund this project; the first issue is to come up with a design. It will be interesting to see if it works.

7. Russ George is the new Director of Compact Negotiations. Russ is interested in the role that the IBCC could play in Demand Management. Jim Pokrandt asked the IBCC members of the CBRT (Carlyle Currier, Stan Cazier, and Paul Bruchez) **what role Russ George is envisioning the IBCC take in Compact negotiations**. Stan Cazier said it's too early to tell.

8. Angie Fowler led us on a discussion on the Power Point that she and Bailey Leppek of SGM have created to take out to explain Demand Management to constituents. Kirsten Kurath sent it out, and it is also posted on our website, Coloradobasinroundtable.org.

   a. Slide 1: Include a reference to the Colorado Basin Roundtable. Ken R. recommended the cover photo be of an upper Colorado basin irrigated agricultural field.

   b. Slide 4 has a link to the Nature Conservancy's 2-3 minute video explaining Demand Management. Angie commended this to the group.

   c. Slides 5-6: Ken R. mentioned they have a lot of information and could lose the audience.

d. Slide 10: Ken R. suggested that **saying the Colorado River is divided in half could mislead the public** since the Upper Basin consumes far less than 7.5 maf. He commented that the Southern Nevada Water Authority in Las Vegas also makes this claim on its website, and that it misleads the public.

e. Scott Schreiber asked how the Upper Basin percentages were determined. He will check with Eric Kuhn.

f. Slide 11: **Ten year Rolling Average**: Upper Basin states will not cause the flow of the river to deplete below 75 maf. Kirsten commented that **we don't have a delivery obligation, we have a non-depletion obligation**.

   i. Ken R. asked what this means. John Currier described it as: The Upper Basin cannot deplete so much water that in the Upper Basin that the amount that flows to the Lower Basin drops below 75 maf in a 10-year period. If hydrology doesn't give us 75 maf over 10 years, we don't have to deliver it. **It's a matter of semantics**.

   ii. The 10-year rolling average slide shows what the Colorado River flow would be if no water was being held back.

g. Slide 18: Lake Powell Unregulated Inflow: This slide shows what the river would look like if no water was being held back in the CRSP reservoirs.

   i. **Unregulated inflow** is the hydrology of the Colorado River Basin that excludes the effect of the upstream CRSP reservoirs (Blue Mesa, Navajo, Flaming Gorge). **Unregulated inflow is all runoff, ignoring what is held back in CRSP reservoirs**. Regulated inflow is runoff less CRSP reservoir storage. This modeling comes from CRSS, and they have only a couple of nodes in Colorado, so it doesn't take into account storage in Colorado's other dams.

h. Slide 21: Identify the Crystal River in the caption in the upper left photo.

i. Slide 30: In the CBRT Demand Management Work Group box, include the goal to preserve West slope agriculture.

j. Cyanotoxin outbreak: blue-green algae cause it, and it can be lethal to humans.

k. Slide 31 discussed obtaining produced water from oil and gas producers and contributing it to Lake Powell. Ken R asked if there was any produced water being put in creeks in Colorado. Angie said that there was one oil and gas operation that could do this, she helped obtain the permit for it, but they are not doing this now. You have to re-ionize (add trace minerals) the water, because it's too clean. In the big picture, produced water is a small volume of water.

l. Ken recommended adding a slide on municipal conservation, so that Front Range citizens learn that nearly 90% of municipal consumption is from outdoor lawn

watering, and so they feel they can do their part in this. Angie recommended that he prepare this slide and share it with the group.

m. Carlyle Currier recommended **a slide on funding**—where is the money going to come from to pay for Demand Management. Carlyle mentioned that the Colorado Senate is currently debating a bill to go to the voters with a ballot initiative to pay for demand management, funded by a tax on sports gambling.

n. The Power Point is 26 megabytes, so it must be downloaded from a dropbox.

9. Kirsten Kurath, Demand Management workgroup.

a. Richard Vangytenbeek discussed the recommendations made by the Environment and Recreation subgroup. He described the important points.

i. **Demand Management should be practiced by all users**—all river basins, both the West slope and the Front Range, and citizens as well as ranchers.

ii. How do we get trans-mountain diverters to share.

iii. How to we fund it.

iv. **Can we create a stream-lined process where producers can readily opt in** and out; it will defeat the process if they must go into water court every time they want to participate. The **hurdles include**:

1) Injury

2) Shepherding

3) **Measuring consumptive use** at different locations and elevations.

v. Richard asked the group if we can address potential injury if ranchers stop or reduce flood irrigation on a streamlined basis. At a meeting of ranchers and Trout Unlimited in Grand Junction on April 17, they discussed **how participants could be vetted in advance, so they would have already addressed injury**, and can go in and out of the program easily.

vi. Kurath said a lot of what we outlined dovetails with what Paul Bruchez received from Dr. Perry Cabot.

b. Steve Aquafresca said **a 500,000 acre-foot pool would raise the reservoir level by 6 to 8'** depending on how full the reservoir is. In March 2019, 500,000 af was released in 3-4 weeks. That's an indication of how much of an effect the pool would have

i. John Currier said the primary purpose of the 500,000 af pool is for Compact Compliance if we ever get to a Compact curtailment scenario.

That's a very remote possibility. **Currier considers the 500,000 af pool as a way to get an excess capacity contract in Lake Powell through BuRec for free**. It has an ancillary benefit that when Lake Powell drops to 3,525,' it's an 8' cushion that provides power protection.

1) **At $300 an acre foot, it would cost $150 million. It's like a term insurance policy**, the first line of defense in a compact curtailment scenario.

2) The 500,000 acre foot pool was negotiated to be in effect through the Interim Guidelines ending in 2026. Can we verify that we can reduce consumptive use, and move water to this pool in a manner the Lower Basin is satisfied with? We need to prove that we can pay for this term life policy in order to buy a bigger term life policy in the future should we choose to do so. **The amount of risk you reduce by Demand Management is fairly small. The question is whether it is cost-effective to do so.**

3) Some of these issues haven't been addressed by the CWCB or the Upper Colorado River Basin, so **it's very forward-thinking for the Colorado Basin Roundtable to address this**. Russ George is talking about the equitability

c. Paul Bruchez mentioned Perry Cabot's email, who touched on these same topics. **Bruchez questioned whether it was time to launch a pilot program in the Colorado River Basin**. Currier said a lot of work has been done at the field level; the work done in the System Conservation Pilot Project in the Grand Valley is huge. But, he cautioned, "**There's always more studies to do**." John is concerned we're spending a lot of time trying to answer questions that, after we answer them, **someone else will answer them differently**.

i. He recommends approaching this as, "**These are the principles we should follow, instead of testing the principles**."

ii. Ken R suggested that **we should just try this, and see what happens**. Rather than trying to measure the injury ahead of time, let's do some pilot projects to see if injury results. Perhaps we should recommend this to the Interim Committee.

iii. Richard said the **System Conservation Pilot Project enabled producers to experiment with cropping and deficit irrigation projects** that they wouldn't ordinarily try to do. Producers could get paid to try something different with their operation.

iv. John Currier said that at some level there will be unintended consequences, but at the volume we're trying to conserve, you may find them and not have to lock the unintended consequences in. Let's run a pilot project that answers all the questions that were teed up in the

Demand Management storage agreement**. Can we show that we're actually putting water into the Demand Management pool in Lake Powell** rather than Grand Valley "on-farm" verification type projects.

v. Carlyle Currier said that it's important that we address the unintended consequences as they come along. There will be push back to dry up land more than 3 years out of ten.

vi. Paul Bruchez said Perry Cabot is concerned whether we have the facilities for overall measurement and verification. He said we don't have enough weather stations to measure conserved consumptive use. John Currier has talked with Perry about this, and he said, yes, there are a lot of questions regarding actively measuring consumptive use. He also pointed out that **the quantifications to measure conserved consumptive use in the lower basin are far simpler than the methodologies we use in the Upper Basin**.

1) Are you totally desiccating the land.

2) What's the impact in the following year.

vii. At the end of the day, we're going to rely on assumptions. We're going to reduce demand by 60,000 af in order to come up with 50,000 af. It's not going to be precise. There are **two aspects to injury: real injury, and the perception of injury**. John Currier thinks the perception often gets conflated with the real injury. We have to look at this in scaling up a bigger pilot project.

viii. We didn't think that adverse impacts would occur, but they did, so we adapt. This also involves learning by doing. Carlyle Currier commented that **ranchers can put in a sprinkler without worrying about the impact on return flows**. Or, an irrigator **can choose not to irrigate, and dry up a neighbor's well**, but there's no legal duty requiring the rancher to prevent this from happening.

ix. It matters how many people are reducing their flood irrigation on a ditch or in a basin. We want to disaggregate dry-up in any given time period so we keep injury to a minimum. If you dried up everyone on East Mesa above Carbondale, or if you dry up everyone on the Collbran project, that has a very different impact than if you dry up 80 acres,. **Disaggregation is an important concept. You don't want the impacts concentrated in a single area**.

x. But, it also can't be done on so many small properties that it's too hard to measure the savings.

xi. Carlyle Currier asked, "How do you account for water that isn't going to be used anyway. Should this go down the river for free? How does the

rancher get paid, when the rancher wasn't going to use it anyway?" John Currier made it clear that **what will be compensated is a reduction in "crop consumptive use,"** so ranchers do not get credit for water they weren't going to consume anyway.

xii. Kurath said what John Currier has said emphasizes nailing down some issues and principles. Jim said that John's point was **there might not be answers, but that shouldn't stop us from posing the questions**. The word "pilot project" kept coming up.

xiii. Steve Aquafresca has been thinking if the Upper Basin is delivering an adequate water supply to continue power generation, then the Upper Basin won't fall out of compliance with the Compact. **Could the 500,000 acre feet pool be available for power generation?**

xiv. Bruchez said, if true measurement and verification is an issue, then **setting up some remote monitoring stations in regions on the West slope this June** might be a good idea. Kurath asked, won't this cost money and **where will the money come from?** Paul said he'd follow up with Perry Cabot. Steve Aquafresca thinks it would be appropriate for the roundtable or the CWCB to fund measurement stations to measure conserved consumptive use.

d. Kurath said we should have one list of principles from all the Demand Management subcommittees. She is going to **prepare this set of principles for discussion by the Demand Management subcommittee on May 8,** and with a full report to the Roundtable on May 20.