

Lessons Learned from Water Administration in Colorado

by

Dick Wolfe, P.E.

State Engineer

AWRA Colorado

2012 Annual Symposium

Beyond our Borders: Water Lessons Learned from Outside Colorado

- 1) When we talk about lessons learned it is often hard to distinguish between the hard knocks in life and those of opportunity. I have tried to look at every challenge as an opportunity. I would like to share with you some thoughts on lessons learned, whether from successes or from failures.
- 2) Probably foremost is that litigation is not a substitute for sound science and facts
 - a) We need to develop laws based on sound science
 - (1) oftentimes complex scientific models developed after laws passed
 - (2) Did not always anticipate modern developments (e.g., extensive well development between 1950-1980)—took some time for both science and law to catch up
 - (3) Did not envision issues with ESA
 - b) For example, we spent 24 years in litigation and spent over \$50M including approximately \$34M in damages to settle the Kansas v. Colorado lawsuit (first job out of college-thought everything was done through litigation)
 - c) Another example is the current litigation and compact compliance efforts for the Republican River basin. Since the settlement of the 1998 lawsuit in 2002, Colorado has not been in compliance. We have been attempting to get approval from Kansas and Nebraska on our Compact compliance plan involving the constructions of a Compact compliance pipeline. These efforts rely heavily on the ground water model that was developed as part of the 2002 settlement.
- 3) Cooperation and restraint from litigation should provide greater certainty and a more secure water supply for the entire state. Users want regulatory certainty and transparency of process. This leads to greater chance of successful agreements like:

- a) Colorado River Cooperative Agreement (which is anticipated to be signed in May)
 - b) Another example is the Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lakes Powell and Mead
- 4) We need to continue to encourage greater and earlier coordination and collaboration amongst stakeholders. Addressing issues in a conflict rich environment rarely yields timely and effective solutions.
 - a) My theory is If you have time to whine and complain about something then you have the time to do something about it.
 - b) For example, I created advisory committees for the promulgation of the Irrigation Improvement Rules in Water Division 2 and the Division 3 Well Compliance Rules. Takes at least three years for this process to work with at least the first two years meeting monthly. We were able to settle with 22 objectors in the Irrigation Improvement Rules case, thus avoiding a trial.
 - c) An area that has been recently developing has been regarding augmentation plans may not have not done a good job of addressing impacts to personal property rights
 - (1) flooding of basements in the South Platte basin
 - (2) Working on investigation (funding in 2012 Projects Bill and potential legislation)
- 5) Need for sustainability
 - a) "Tragedy of the Commons"- We have been at times in the state of the "Tragedy of the "Un-regulated" Commons"
 - b) Examples-Well compliance and Expansion of irrigated acreage
 - c) First requirement for sustainability came under SB 04-222 for the aquifers in the Rio Grande basin-this has been difficult but I am confident that we will get this completed as part of the Division 3 Well Compliance Rules
- 6) Technology has played a vital role in our administration
 - a) More real-time administration (comparison of the days of horse travel to the use of technology and satellites) - conflicts with natives-well some things never change
 - b) Internet, GIS, paperless office, online tools (e.g., online data submittal), field equipment, remote sensing and telemetry, SMS, CoHMS
 - c) DWR has needed to adopt technology-Same number of water commissioners today as in the 1960s
 - d) Additionally, we have lost funding for 24 FTE in the past three years including another 1% cut this year
- 7) Governor Hickenlooper's has focused on cutting red tape in government (making government more efficient, effective and elegant) - story of meeting and his description of "elegant" - the fourth "e"
- 8) What lessons can be learned from this that would improve DWR and our administration-some insight I gained this past year when discussing this with our staff

- 9) First, who are our customers? (we have both internal and external)
 - a) Those that we regulate (contact) and those that we protect (no contact)
 - b) Most of our customers are “hostages.” They did not choose us.
 - c) Customer loyalty is not the issue.
 - d) So the perception has been (and may still be for some state agencies), who cares if the hostages are happy?
 - e) The public sector has historically been focused on capturing the cooperation of often involuntary customers.
- 10) So what is "Customer Service" particularly as it relates to State government and DWR?
 - a) The public sector generally operates in a monopoly marketplace (for example, we have no private competitors for water administration), but there is no reason to act like one.
 - b) But in the public sector, our emphasis has to be on efficacy (i.e., to produce a desired result or effect) – customer success
 - c) Customers care most about outcomes no matter if it is public or private
 - d) So are customers satisfied? Another euphemism for elegance -The Art of Diplomacy.
 - e) We must recognize that customer satisfaction is a means and not an end.
 - f) We strive for customer satisfaction not only because it feels good, but because it helps us achieve our “profit.”
 - g) Our profit in government is not measured in dollars but in the outcomes we are here to achieve (We have prepared a 2011 Strategic Plan that is posted on our website).
 - h) So we ask ourselves, what is the service that we provide? What are our products? What facilitates production?
 - i) Our investors, the taxpayers, invest in our agencies to maximize ROI. They want the most of these outcomes possible with the smallest possible investment – just like private-sector investors. (this is the efficiency)
 - j) Customer satisfaction efforts should be about helping our customers be successful. (this is being effective)
 - k) What is success? To complete a well permit, to be in compliance with well permit, decree, or SWSP. To construct and maintain safe wells and dams.
 - l) I believe our customers generally recognize the state’s role and the importance of our agency. But they want it to be easy to understand, to be consistent and to be fair. Herein lies the challenge.
- 11) How do we get there? Or, how do we stay there?
 - a) Need to be proactive-government generally operates in a reactionary mode. I have learned putting off an easy thing makes it hard. But Putting off a hard thing makes it impossible.

- b) We have our 2011 DWR Strategic Plan and DNR Strategic Plan with Performance Goals
 - c) Individual Performance Agreements
 - d) Mission of DWR
 - (1) "Competently and dependably administer and distribute the waters of Colorado in accord with the laws of this state..."
 - (2) We will strive to fulfill our mission by assisting the public in the clarification of complex water issues and the generation of creative solutions to problems."
 - e) Principles that guide our actions
 - (1) Treating each other and the public with dignity, respect, honesty and fairness.
 - (2) Promoting an open and honest communication environment that builds trust, respect, and loyalty amongst ourselves and the diverse community in which we live and work.
 - f) Balance between "justice" and "mercy."
 - g) Ultimately we need to maintain credibility.
 - h) Strategies to Success - Core competencies in Individual Performance Agreements
 - (1) Communication
 - (2) Interpersonal Relations
 - (3) Customer Service
 - (4) Accountability
 - (5) Job Knowledge
 - i) Success comes from those who exhibit these characteristics of Core Competencies
 - j) Comes down to hiring people with character - character, whether personal or organizational, is doing the right thing when no one is looking
 - k) We cannot always build the future for our staff, but I do believe we can build our staff for the future
 - l) Ultimately a winning team is one with a winning attitude
- 12) Thank you and I would be happy to take any questions.