



COLORADO

Colorado Water Conservation Board

Department of Natural Resources

Colorado Water Conservation Board

Water Plan

Water Project Summary

| | | |
|--------------------------------|-----------------------------------|---------------------|
| Name of Applicant | Western Water Partnerships | |
| Name of Water Project | Las Animas Water Sharing Program | |
| Grant Request Amount | | \$245,738.00 |
| Primary Category | | \$245,738.00 |
| | <i>Agricultural Projects</i> | |
| Total Applicant Match | | \$0.00 |
| | <i>Applicant Cash Match</i> | |
| | <i>Applicant In-Kind Match</i> | |
| Total Other Sources of Funding | | \$85,463.00 |
| | <i>Colorado Springs Utilities</i> | \$50,000.00 |
| | <i>Palmer Land Conservancy</i> | \$35,463.00 |
| Total Project Cost | | \$331,201.00 |

Applicant & Grantee Information

Name of Grantee: Western Water Partnerships
Mailing Address: 1001 BANNOCK STREET Denver CO 80204
FEIN: 475,108,082

Organization Contact: Todd Doherty
Position/Title: President Email: todd.doherty@westernwaterpartnerships.com
Phone: (303) 518-4741

Grant Management Contact: Todd Doherty
Position/Title: President Email: todd.doherty@westernwaterpartnerships.com
Phone: (303) 518-4741

Engineering Contact: Gary Thompson
Position/Title: Professional Engineer Email: gary.thompson@wwwheeler.com
Phone: 303-761-4130

Description of Grantee/Applicant

Western Water Partnerships is a Colorado Public Benefit Corporation with a mission to preserve irrigated agriculture through collaborative water-sharing agreements.

Type of Eligible Entity

- Public (Government)
- Public (District)
- Public (Municipality)
- Ditch Company

- Private Incorporated
- Private Individual, Partnership, or Sole Proprietor
- Non-governmental Organization
- Covered Entity
- Other

Category of Water Project

- Agricultural Projects
Developing communications materials that specifically work with and educate the agricultural community on headwater restoration, identifying the state of the science of this type of work to assist agricultural users among others.
- Conservation & Land Use Planning
Activities and projects that implement long-term strategies for conservation, land use, and drought planning.
- Engagement & Innovation Activities
Activities and projects that support water education, outreach, and innovation efforts. Please fill out the Supplemental Application on the website.
- Watershed Restoration & Recreation
Projects that promote watershed health, environmental health, and recreation.
- Water Storage & Supply
Projects that facilitate the development of additional storage, artificial aquifer recharge, and dredging existing reservoirs to restore the reservoirs' full decreed capacity and Multi-beneficial projects and those projects identified in basin implementation plans to address the water supply and demand gap.

Location of Water Project

| | |
|---------------|--|
| Latitude | 38.061120 |
| Longitude | -103.275490 |
| Lat Long Flag | Ditch diversion structure location: Coordinates based on ditch's diversion structure |
| Water Source | Arkansas River |
| Basins | Arkansas |
| Counties | Bent |
| Districts | 17-Arkansas: Fowler to Las Animas |

Water Project Overview

| | |
|-------------------------------------|--------------|
| Major Water Use Type | Agricultural |
| Type of Water Project | Planning |
| Scheduled Start Date - Design | 4/1/2024 |
| Scheduled Start Date - Construction | |

Description

In the 1980's, the Public Service Company of Colorado ("Xcel") purchased approximately 75% of the Las Animas Consolidated and Consolidated Extension Canals ("LAC") to be used for a coal-fired power plant and changed the use of these rights to include all beneficial uses in case number 2-80CW52. Through this change case, approximately 12,500 acre-feet of historical consumptive use water was assigned to the changed water rights. Xcel never built the power plant and for the past approximate 30 years has leased the water back to the farmers on a year-to-year basis. With the changed water legally severed from the ditch, a majority of farmers irrigating under the LAC do not have a secure and sustainable water supply and are instead dependent each year on the hope of renewing their annual water lease agreements.

Western Water Partnerships is working with a diverse group of stakeholders to build the LAC Water-Sharing Program through a collaborative process involving Xcel, farmer representatives, Palmer Land Conservancy, Colorado Springs-Utilities, and other prospective end-users including municipal, industrial, agricultural, environmental, and recreational interests. This group comprises a “Steering Committee” tasked with developing a water-sharing company utilizing Xcel’s LAC water rights. These entities and representatives are all committed to being part of the co-creation of this prospective entity. Currently, both Colorado Springs Utilities and the farmers are committed to developing the water-sharing program and being its key municipal and agricultural water users, respectively. There have been discussions with other entities including environmental, recreational, and agricultural users that might be brought in as minority users as the program is more fully developed.

The proposed water-sharing program seeks to create certainty for the farmers by tying water back to the land in perpetuity. The vision is to set up a program entity that owns the Xcel water rights and lease the water in perpetuity to the LAC farmers and municipal water providers at a ratio of 7(farmers):3(Municipal) respectively.

The funding for the purchase of the Xcel’s water rights will be the responsibility of the municipal participants (i.e., water acquisition fund, municipal bonds, etc.). The board membership of the newly established entity will likely include representatives of the municipalities, farmers, land trust, and potentially others (e.g., Bent County representative).

The Steering Committee has a goal to establish and maintain a fund that will be available for the benefit of the water-sharing company such as irrigation system improvements, infrastructure repairs, and/or crop conversions. This fund would be sustained through annual water leasing fees much like the assessments with a ditch company. The water use fees will also go towards paying for a to-be-determined administrator who will ensure the program is operating as agreed upon and that there is proper accounting of both the funds and water rights. While part of this grant request is to be used to explore and determine what type of entity should be created, it is envisioned that it is a non-profit entity (e.g., 501(c)3 corporation, mutual ditch company, carriage ditch), and no profits will be made from managing this water-sharing company. The Program seeks to create certainty for the farmers by connecting the water back to the land in perpetuity while allowing approximately 30% to be used for municipal purposes. Specifically, through the LAC Water-Sharing Program, we aim to achieve the following goals:

1. provide LAC farmers with a secure and sustainable water supply tied to their respective lands at attractive prices.
2. place the ownership of the Water in a neutral, not-for-profit entity legally bound to protect the interests of its agricultural and municipal members alike, in perpetuity.
3. provide a sustainable and reliable water supply to meet the State’s current and future municipal, industrial, and agricultural needs through collaborative water sharing agreements as recommended by the Colorado Water Plan.
4. be governed by the Program Entity’s by-laws and its board of directors.
5. be administered by a mutually agreed party.
6. be funded through a combination of municipal funding, low interest loans, grants, and program related investments.
7. be affiliated with high quality counterparties to bolster the progression and success of the LAC water-sharing program.
8. be economically self-sustained through annual water fees; and
9. provide capital reserves (a fund) to achieve socially responsible objectives.

Measurable Results

| | |
|-------|---|
| | New Storage Created (acre-feet) |
| | New Annual Water Supplies Developed or Conserved (acre-feet), Consumptive or Nonconsumptive |
| | Existing Storage Preserved or Enhanced (acre-feet) |
| | New Storage Created (acre-feet) |
| | Length of Stream Restored or Protected (linear feet) |
| | Length of Pipe, Canal Built or Improved (linear feet) |
| | Efficiency Savings (dollars/year) |
| | Efficiency Savings (acre-feet/year) |
| | Area of Restored or Preserved Habitat (acres) |
| 4,000 | Quantity of Water Shared through Alternative Transfer Mechanisms or water sharing agreement (acre-feet) |
| 8,000 | Number of Coloradans Impacted by Incorporating Water-Saving Actions into Land Use Planning |
| | Number of Coloradans Impacted by Engagement Activity |
| Other | |
| | No additional measurable results provided |

Water Project Justification

This project is significant in scale, involving between 12,500 – 16,500 acre-feet of water for participation in a water-sharing program involving multiple sectors (agriculture, municipal/industrial, recreation, environmental). It is envisioned that approximately 3,750 to 4,950 acre-feet of HCU water (or 30% of the total water) will be involved in a CWSA. If successful, the LAC Water-Sharing Program will be the largest, perpetual CWSA implemented in Colorado. It is hoped that our approach of building the LAC Water-Sharing Program from the “ground up” through a diverse stakeholder group is a model that can be replicated for other, future CWSAs. If implemented, the Program will improve water supply reliability (e.g., reducing conflict over water resource management, increasing resilience to drought, help to sustain agricultural under the Las Animas ditch systems, and preserve (and hopefully improve) the rural economy in Bent County.

Related Studies

- Saving water to save the farm (2018)
- ATM status report (2016)
- Little Thompson Farm Completion Report
- 2023 Colorado Water Plan Update
- Arkansas Basin Roundtable Implementation Plan

Taxpayer Bill of Rights

There are no TABOR limitations.