

Adopted March 16, 2000;
Revised & readopted July 19, 2005
Revised and readopted April 16, 2008
Reconsideration: Draft #2, April 2011

Transmountain Water Diversions

Colorado River Water Conservation District Policy Statements:

The Colorado River Water Conservation District (*River District*) believes there is no current or reasonably foreseeable need for new transmountain diversion projects. Transmountain diversion of Colorado River water results in adverse economic, environmental, and recreational impacts. Front Range water demands can be met through a combination of better groundwater management, conservation, reuse, system interconnections, re-operations, and in-basin transfers and exchanges.

Nevertheless, transmountain diversion proposals are likely to persist. Accordingly, ~~the Colorado River Water Conservation District will continue its historical opposition to ill-advised proposals~~ *willingness to examine fairly and thoroughly all project proposals and to work with willing project proponents to determine if an acceptable project can be developed that provides genuine benefits to both the receiving and exporting basins.* ~~and The River District will advocate for and pursue~~ *pursuit of full water-related mitigation for every transmountain project for responsible proposals that include water-related benefits for western Colorado.* Present and future West Slope water uses, including environmental and recreational needs, must be recognized and protected.

The River District will ensure that mitigation conditions on existing transmountain diversion projects are honored and upheld for the protection of in-basin water users and local environments. Additionally, the River District will advocate that the transmountain diverted waters be efficiently used and reused to their fullest legal extent.

Transmountain diversion projects seeking re-operations resulting in expansion of historical use must consult with the basin from which water is being diverted. Alternative re-operation regimes should include those that protect and benefit both the diverter and the basin-of-origin.

Background:

The vast majority of Colorado's water is on the western side of the Continental Divide, while Colorado's population lives predominantly along the Front Range on the state's eastern slope. As a result, Colorado has dozens of water projects that divert water from the Colorado River basin across the Divide. These projects range from small projects diverting a few hundred acre feet of water per year to the Colorado-Big Thompson (C-BT) Project, which diverts an average of more than 220,000 acre feet annually.

Transmountain diversion of water is 100% consumptive for the basin-of-origin. As such,

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transmountain diversion projects, especially larger transmountain diversions, often have unique and significant impacts on the basin from which the water is diverted. Therefore, water diverted across the Continental Divide must be used, reused whenever legally allowable, and be integrated into an overall program of water conservation.

The primary goal of the Colorado River Water Conservation District (River District) is the protection of existing water uses and preservation of future economic opportunities for the residents of Western Colorado. The River District is committed to meeting the present and future water needs of its residents.

As identified in the state's Metropolitan Water Supply Investigation (MWSI) and the Senate Bill 96-074 study, nearly 400,000 acre feet of legally usable water is currently available annually without construction of any new projects. Although these studies addressed only the Denver metropolitan areas from Douglas County to Denver's northern suburbs, similar opportunities for additional water supplies, such as water reuse, conservation, re-operation, improved groundwater management, water sharing, in-basin transfers and exchanges, and others, exist for other areas of Colorado's rapidly growing Front Range.

The more recent Statewide Water Supply Investigation (SWSI) identified more than 600,000 acre feet of new water supplies that will be required statewide by 20350 in addition to currently planned water development projects. SWSI, however, has not yet identified sources for this additional supply, nor quantified the environmental and recreational needs of individual basins. While the methodology employed by the SWSI study may overstate total water needs, it is indicative of a state-wide need for additional supplies and greater demand management.

The River District supports the completion *and refinement* of the State-wide Water Supply Investigation (SWSI) studies and the implementation of the initial recommendations of the MWSI study *and the initial recommendations of the Inter-Basin Compact Committee (IBCC) report*. The River District also supports the House Bill 05-1177 process of basin-by-basin review and identification of both consumptive and non-consumptive water needs and potential supply alternatives. Additionally, the River District is involved in and committed to several cooperative efforts designed to address or meet specific, identified Front Range water supply problems. Presently, these include:

- The Eagle River Memorandum of Understanding which seeks to identify and develop additional Eagle River water supplies for both East Slope (Colorado Springs and Aurora, and Denver) and Eagle River basin water users in a manner acceptable to West Slope interests;

The Douglas County Water Resource Authority-Denver Water-River District collaborative water supply investigation addressing water supply needs of the Authority's members in Douglas and Arapahoe Counties, *as well as the more recent "WISE" water project to share*

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- *reusable water supplies from Denver and Aurora with the southern metro area; and*
 - *The Upper Colorado River study addressing water supply, water quality, instream flow and water-based recreation needs in the Upper Colorado River basin; and*
 - *Negotiations The mediated settlement with Denver Water for a comprehensive settlement resolution of ~~Blue River~~ ~~decree~~ mainstem Colorado River issues, named the "Colorado River Basin Proposal."*

The River District acknowledges that any or all of these efforts may result in additional transmountain water diversions, but any such diversion will be accomplished only with the acceptance and involvement and to the mutual benefit of East Slope and West Slope interests.

Western Colorado's economy is increasingly dependent on tourism-related construction and recreational industries that rely on adequate stream flows and healthy river systems. As such, adequate protections for all Western Colorado water uses, including non-consumptive environmental and recreational uses, benefit the entire state.

~~Establishment of~~ Adequate protections for instream flows, recreational lake and stream levels, and water quality, especially in the headwaters regions, protects our high mountain valleys and preserves opportunities for future consumptive and non-consumptive water uses.

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Existing Transmountain Diversion Projects

Colorado River Water Conservation District Policy Statements:

The water rights for several existing transmountain diversion projects were adjudicated with specific operating conditions included to protect the basin-of-origin. The Colorado River Water Conservation District (*River District*) will ensure these conditions are honored and upheld for the protection of in-basin water users and water resources. Additionally, the River District will advocate that the transmountain diversion waters be efficiently used and reused to their fullest legal extent.

As existing transmountain water projects review and revise their operating practices, including increases to historical diversions, modern-day environmental and local impact considerations must be considered. Projects seeking re-operations resulting in expansion of historical use should consult with the basin from which water is being diverted. Alternative re-operation regimes should include those that protect and benefit both the diverter and the basin-of-origin.

Background & Discussion:

The vast majority of Colorado's water is on the western side of the Continental Divide, while Colorado's population lives predominantly along the Front Range on the state's eastern slope. As a result, Colorado has dozens of water projects that divert water from the Colorado River basin across the Divide. These projects range from small projects diverting a few hundred acre feet of water per year to the Colorado-Big Thompson (C-BT) Project, which diverts an average of more than 220,000 acre feet annually.

Transmountain diversion of water is 100% consumptive for the basin-of-origin. As such, transmountain diversion projects, especially larger transmountain diversions, often have unique and significant impacts on the basin from which the water is diverted. Therefore, water diverted across the Continental Divide must be used, reused whenever legally allowable, and be integrated into an overall program of water conservation.

Two large transmountain diversions - the Windy Gap Project and Denver Water's Moffat System - are currently permitting *expansion* projects that would increase the projects' historical diversions. The Colorado River District is involved in the permitting process for both.

Colorado's water conservancy district act provides certain protections for basin-of-origin water users but only for transmountain projects sponsored by a water conservancy district. This protection, therefore, only applies to three of Colorado's existing transmountain water projects. Most of Colorado's transmountain water diversion projects were permitted and constructed prior to modern-day environmental regulations and companion protections. The principal avenue for protecting water resources and water users in the basin-of-origin at the time was the water court. The Colorado River District was involved in most, if not all, of the larger transmountain diversion

projects' water adjudications.

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