

Adopted July 15, 2008
Readopted July 2011

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.