

The Colorado River District conducted its Annual Water Seminar on Sept. 15, 2011, in Grand Junction. About 200 people attended. Among the speakers, from left, were Brad Udall of Western Water Assessment; Bill Trampe of the Colorado River District Board of Directors; Michelle Pierce of the Gunnison Basin Roundtable; and, John McClow of the Upper Gunnison River Water Conservancy District.

SPEAKERS EXPLORE SUPPLY, DEMAND ON THE RIVER

Supply and demand on an imbalanced Colorado River was the theme of the Colorado River District's Annual Water Seminar held in Grand Junction on Sept. 15, 2011.

Nearly 200 people heard from Colorado River District General Manager Eric Kuhn on his risk management strategy for guiding future water development; Colorado University School of Law Professor Mark Squillace on the "Rethinking the Future of the Colorado River" project and Colorado River Basin Forecast

Center Hydrologist Kevin Werner who examined the recent big runoff. In addition, Denver Water Director of Planning Dave Little and Colorado River District General Counsel Peter Fleming gave an update on the historic proposed Colorado River Cooperative Agreement between Denver Water and 34 West Slope water interests.

The full agenda, PowerPoint presentations and video of the seminar can be found on the [Colorado River District website](http://www.ColoradoRiverDistrict.org).



Colorado River District

Protecting Western Colorado Water Since 1937

Board of Directors Meeting Summary

Page 2

October 2011

BOARD BACKS DILIGENCE; '10,825' DISCUSSED

The Board of the Colorado River District meets quarterly as required by the legislation that created it in 1937. This newsletter reviews highlights of the 2011 fourth quarter meeting. For additional information please visit: www.ColoradoRiverDistrict.org.

Diligence case supported

A would-be water developer in Colorado can secure his "place in line" under the Prior Appropriation Doctrine by filing for a conditional water right. A conditional water right retains the right's seniority, or place in line, while the developer works diligently toward actual application of the water right to its intended beneficial use. Colorado law requires owners of conditional water rights to prove every six years they are proceeding "diligently" toward development and actual use of the conditional right.

The River District holds numerous conditional water rights for the planned and orderly development of water to meet future West Slope needs. The River District's water court application for diligence for its West Divide Project conditional water rights has recently been challenged by several parties.

Unsatisfied that the River District's application includes a proposed abandonment of the lion's share of the rights, opposing parties want no water development of any size in the basin. River District directors reaffirmed their desire to maintain a portion of these rights for future use by approving and directing legal staff to dedicate "whatever time necessary to successfully prosecute our (West Divide) diligence application."

'10,825': Water for endangered fish

The figure "10,825" represents the amount of water measured in acre-feet that water users are obligated to provide annually to recovery efforts for the endangered fish in the Colorado River in the Grand Valley. Since East Slope and West Slope water users consume nearly equal amounts of mainstem Colorado River water in Colorado, this water users' obligation is shared equally by both sides of the Continental Divide.

River District Deputy General Manager Dan Birch reported that the environmental assessment on the water users' proposal to provide this water is nearly complete. He reported on two recent "open house" public meetings held in Western Colorado concerning the joint proposal.

The proposed and preferred sources for the 10,825 acre-feet are from water stored in Granby and Ruedi Reservoirs. Granby Reservoir will receive and release additional water from discontinued irrigation on lands owned by Northern Water upstream of Granby. This will constitute half of the water delivery obligation. The other half will come from the West Slope's pool in Ruedi Reservoir.

Birch also explained that the River District's recommendations regarding the environmental work will include specific measures to ensure protection of existing West Slope water supplies and uninterrupted and undiminished water use in Western Colorado. Birch stated that he hopes the 10,825 assessment will be finalized in early 2012 and contracting for the required water supplies can commence at that time.

Yellow Jacket request for assistance

The River District Board heard from opposing parties in a legal contest unfolding in Rio Blanco County. The Yellow Jacket Water Conservancy District, which was formed as the sponsoring entity for the proposed federal Yellow Jacket water project, recently suffered an adverse ruling from the Water Court related to its application for continuation of its water rights.

Yellow Jacket District representatives were present to request financial assistance from the River District for its appeal to the Colorado Supreme Court. Explaining the nuances of the legal arguments, River District general counsel Peter Fleming summed it up stating, "The Water Court simply got it wrong."

Also present were opponents of the proposed project and litigants in the water court case. Their concerns centered on the size of the proposed project and potential impacts to local property values.

After hearing from both sides, the River District board approved a maximum of \$10,000 in matching funds to assist the Yellow Jacket District's appeal to the high court. River District directors were persuaded that the water court's ruling represents an adverse precedent for water districts and water development statewide, and that the issues should be considered and resolved by the Supreme Court.

IBCC SENDING IT BACK TO THE ROUNDTABLES

Colorado River District General Manager Eric Kuhn reported progress on River District goals regarding the statewide Interbasin Compact Committee's (IBCC) work. "Those of us who have been trying to move the center of gravity of this process back to the local Roundtables have finally been successful," Kuhn announced.

The IBCC and nine water basin Roundtables have been working on water planning and environmental protections for five years. The nine Roundtables represent the major water basins in the state plus the Denver metropolitan area.

The Colorado legislature charged the IBCC with facilitating and coordinating the work of the individual Roundtables to ensure comprehensive and comparable planning and action documents when all nine basins' efforts are complete.

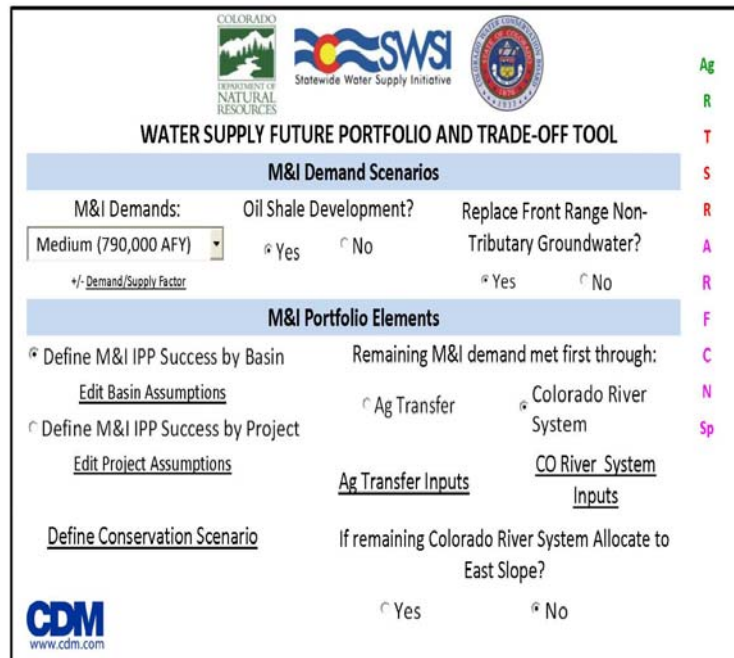
One tool recently released to advance discussions about meeting "the Gap" (the projected water shortfall between available water supplies and projected demands) is the "Portfolio Tool." This interactive, computer-based model allows individual users to explore trade-offs of different approaches to meeting the Gap. Principal elements, or "tools," of the Portfolio include conservation, new water development, reuse, and agricultural water conversion to municipal use.

Kuhn pointed out that one consequence of recent use of the Portfolio tool was recognition that the alternative of converting agricultural water to urban use and its related impacts is not limited to Eastern Colorado.

Applying the Portfolio tool makes clear that Western Colorado agricultural dry-up is a very real possibility if other alternatives fail or are not prioritized.

Kuhn further noted that the true purpose of the Portfolio tool is to show the need for a mix of solutions and not to rely solely on one or two "tools." The practical outcome Kuhn noted "is to explore the implications of various priorities for all four tools."

In addition to the Portfolio Tool online, the state has posted their annual reports on [IBCC activities](#) and the [Water Supply Reserve Account activities](#). Please access the links above or visit the [CWCB website](#).



The Interbasin Compact Committee and the Roundtables are beginning to investigate various solutions to the statewide water supply gap by running the Water Supply Future Portfolio and Trade-Off Tool that was developed by the Colorado Water Conservation Board (CWCB). The public can view and work the tool by [downloading](#) it from the CWCB website.

Meeting Notice:

Monday, Nov. 14, 11:00am-3:00pm
Silverthorne Pavilion

Colorado River Basin Roundtable
and the
Metro Area (Denver) Roundtable

Discussion of policy implications of various priorities for meeting the Gap based upon the Portfolio Tool's output

-Public Welcome-



Colorado River District

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BUDGETS ADOPTED; STATE, FED AFFAIRS REVIEWED

General Manager Eric Kuhn opened the River District's annual budget hearing by noting that the board focused on policy and budget-related issues at its budget workshop in September that shaped the final draft budgets presented for board consideration at the October meeting.

The board unanimously adopted the River District's [General](#), [Capital](#) and [Enterprise](#) budgets for calendar year 2012. Kuhn noted that the 2012 budgets will basically be flat, as they have for the past two years.

The General Fund mill levy (the only tax the District levies) will be 0.226 mills next year, resulting in a homeowner with property worth \$250,000 contributing just under \$4.50 to the River District.

State affairs

The Colorado Legislature's Water Policy and Legislative Review Committee (Interim Committee) met half a dozen times during the summer, concluding with a two-day meeting at which it adopted and rejected bills for introduction in the 2012 legislative session.

One contested bill was a proposal to require retailers to sell only ultra low-flush fixtures statewide. The limitation would be phased in starting in 2014.

The Interim Committee rejected this bill on a party-line vote. The River District board, however, voted unanimously to support the concept and any legislation that is introduced next year which accomplishes the intended conservation goals.

Federal affairs

River District External Affairs Manager Chris Treese provided a synopsis of the current gridlock in Congress.

The new federal fiscal year began October 1, and again this year the new budget year dawned without any departmental budgets in place. The federal government is operating under a "continuing resolution" from Congress; this one based on 2009 budgets. The current continuing resolution expires on November 18.

The so-called "Super Committee" of 12 has a deadline of November 23 to present its recommendations for reducing the deficit by up to \$1.5 trillion dollars. If Congress fails to pass the committee's recommendations (no amendments allowed), automatic spending cuts of \$1.2 trillion will

be triggered, half of which will come from the Department of Defense.

In the meantime, most observers believe that Congress will adopt another Continuing Resolution to avoid having to pass individual appropriations bills. The length and basis of the next continuing resolution is not clear.

Treese reviewed Congressman Tipton's bill to authorize small hydro-electric installations on Bureau of Reclamation (Reclamation) canals and conduits. The River District testified before the House Subcommittee on Water and Power in favor of this bill, which recently passed the full House Resources Committee with bi-partisan support.

Treese also reviewed proposed regulations potentially impacting Western Colorado water users. The Obama administration recently announced it would abandon efforts to provide "guidance" on the applicability of the Clean Water Act, instead committing to pursue formal rulemaking. The River District favors rulemaking, as this allows for public input and formal comment.

The long-delayed "Principals and Guidelines" from EPA was not issued by the latest administration-announced deadline of June 2011. Treese reported that one administration official suggested the public should look for it "around the 128th (sic) of June." In other words, it is dormant but not dead.

Treese also noted the first good news in a long time concerning western water users' efforts to limit application of the National Canal and Levee Safety Commission's recommendations. The recommendations include extensive engineering and liability requirements for all levees and canals nationwide. Western water users, along with Reclamation consider the recommendations as overkill for western canals and ditches.

Water users have had no real success in convincing the Commission of the difference between a Colorado irrigation canal and a flood-control levee in New Orleans. However, the Senate Energy Committee made progress recently by including in report language a distinction between flood control levees and water conveyance canals. However, Treese noted that the report was included in the Energy and Water Appropriations bill, and, as noted above, it is unlikely to become law.

WATER EFFICIENCY PROJECT MOVES FORWARD AT ORCHARD MESA IRRIGATION DISTRICT

The River District Board approved a Grant Agreement between the River District and Orchard Mesa Irrigation District (OMID) that places the proceeds of the sale of the River District's Orchard Mesa property into an interest-bearing account for future disbursement to OMID.

The money will be used primarily to offset pumping costs for the operation of the OMID Water Efficiency Project.

The purpose of the project, which will be constructed by Reclamation, is to improve OMID's water delivery, which will benefit water users as well as endangered fish species in the Colorado River.

NUTRIENT STUDY SHOWS COMPLIANCE COSTS

The Environmental Protection Agency (EPA) has identified excessive nutrients (phosphorus and nitrogen) as the main cause of impairment in lakes and the second leading cause in rivers and streams.

Since 1998, EPA's policy is that narrative standards for the amount of nutrients allowed are inadequate and should be replaced with numeric standards.

For the past 12 years, the Colorado Water Quality Control Division and stakeholders, of which the River District is a member, have been working through the Water Quality Forum's Nutrient Workgroup to develop the numeric criteria.

Most recently, a Cost-Benefit Compliance [study](#) showed that statewide costs to comply will numeric nutrient

standards range from billions to tens of billions of dollars.

Furthermore, there is significant concern that costs are underestimated and benefits are overestimated. Nevertheless, cost/benefit ratios are generally less than 1.0.

Another area of concern is the prospect of nonpoint source discharge regulation, which could impact agricultural producers. Under the draft regulations, participation by nonpoint source dischargers would be voluntary unless it is determined to be ineffective.

The Water Quality Control Commission has scheduled a Rulemaking Hearing for adoption of nutrient criteria in March 2012.

OLD DILLON RESERVOIR EXPANSION

The River District is acting as an Owner's Representative on behalf of the Old Dillon Reservoir Water Authority during construction of the Old Dillon Reservoir (ODR) Expansion in Summit County.

ODR is a complete rehabilitation and enlargement of a small reservoir located between the Town of Dillon and I-70. One unique aspect to this project is that the old open ditch that fed ODR is being converted to a pressure pipe which allows the reservoir's maximum water elevation to be raised.

The project includes lining an existing 1,100-foot siphon under I-70. River District Senior Water Resources Engineer Ray Tenney is the point person and available for comments or questions. Please email: rtenney@crwcd.org.

2012 GRANT PROGRAM TO OPEN APPLICATION PERIOD

The River District operates a Grant Program making funding available for projects that improve water supplies within the 15-county River District boundaries.

Applications will be accepted from Dec. 1, 2011 until Jan. 31, 2012, for projects that further the program's goals, such as: developing new water supplies; improving existing water supply projects; improving water use efficiency; improving water quality; improving sediment control; undertaking a watershed action; implementing tamarisk control; and protecting pre-1922 Colorado River water rights.

The three-step evaluation process includes staff review and ranking, River District Board's Executive Committee review, and full board action. Eligible applicants can receive up to a maximum of \$150,000 (or about 25 percent of the total project cost, whichever is less) for their project.

Visit www.ColoradoRiverDistrict.org after Dec. 1, 2011, to access the application, guidelines and grant program policy.

More information may be obtained by contacting Senior Water Resources Engineer Dave Kanzer, at 970.945.8522; Colorado River District, PO Box 1120, Glenwood Springs, CO 81602; or by email: grantinfo@crwcd.org.



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H₂O OUTDOORS: TEACHING STUDENTS ABOUT WATER

The River District, in conjunction with Keystone Science School, Aurora Water and Denver Water, just completed its sixth H₂O Outdoors camp.

Twenty-eight students from across the state met for a three-day, two-night outdoor-learning experience in which students learned about challenges associated with the state's water quantity and quality.

The agenda and activities began with a trip to the Continental Divide on Loveland Pass where students learned about watersheds and the relationships between snowfall supplies and population demands.



ABOVE: Rob Buirgy of Denver Water talks to students about water challenges during a session of H₂O Outdoors this past October. Students toured Dillon Reservoir through the auspices of the Frisco Marina.

Additional learning goals included:

- Gaining an appreciation for water as a limited resource.
- Understanding the consequences of natural resource exploration, development and consumption.
- Knowing the purpose of reservoirs and transmountain diversions.
- Understanding the economic and recreation values of in-stream water supplies.
- Knowing the major challenges facing water in the West including population growth, drought, energy exploration, development and climate change.

Students demonstrated their understanding of these goals in a mock Town Hall meeting on the last day. They each played a different stakeholder role, such as a West Slope agricultural irrigator, a member of the Northwest Council of Governments, a Front Range industrialist, or a Denver Water executive. Speaking on behalf of their own stakeholder positions, students debated Colorado water issue challenges. The Town Hall meeting was once again a powerful indicator of how much students learned and gave insight into how their behaviors might change due to their newfound awareness.

BELOW: Students prepare to conduct streamflow experiments.

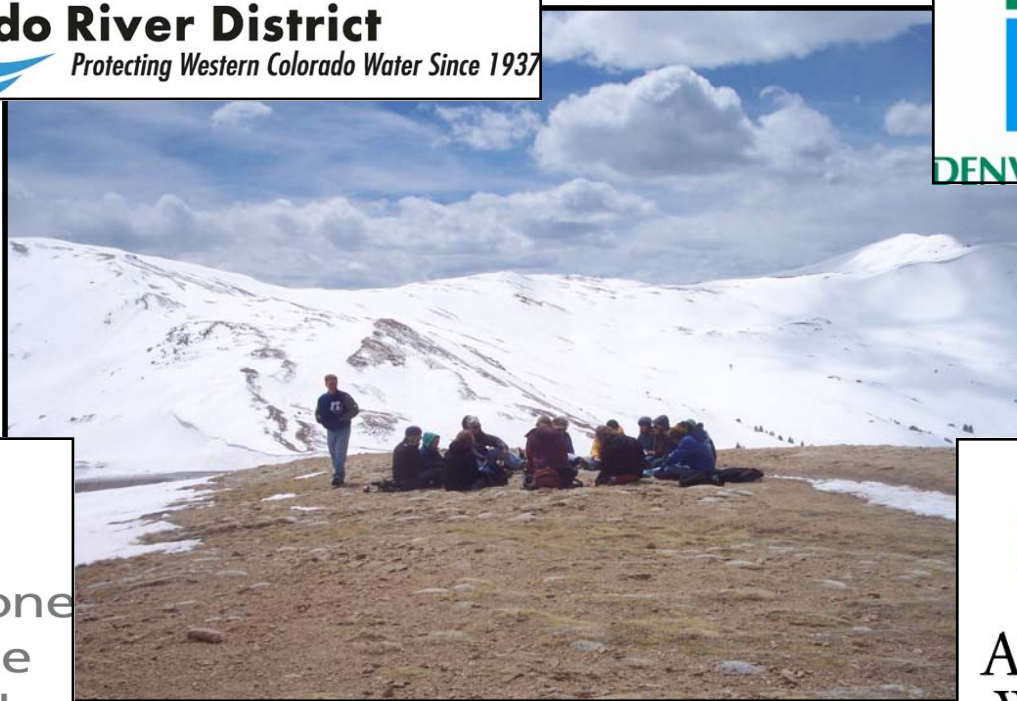


H₂O OUTDOORS

An Outdoor Water Camp for Colorado High School Students

SPRING SESSION: April 21-23, 2012

FALL SESSION: October 12-15(ish), 2012 [exact 3 days within these dates TBD]



The Colorado River District, Aurora Water, Denver Water and Keystone Science School are sponsoring their seventh 3-day Water Camp for students who want to learn in-depth information about water in the West.

- The Keystone Science School is a well-established and licensed facility dedicated to natural resource education. For more information about the school, the facilities, or about H₂O Outdoors please call the Keystone Science School at 970.468.2098 or visit: www.keystonescienceschool.org.
- Cost to students is only \$25. (Scholarships available.)
- For more information about the program or scholarships, please contact Martha Moore, Colorado River District, at 970.945.8522 x 236 or by email: mmoore@crwcd.org.