



## WATER QUALITY / QUANTITY COMMITTEE (QQ)

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Post Office Box 2308 • Silverthorne, Colorado 80498  
970-468-0295 • Fax 970-468-1208 • email: qqwater@nwccog.com

October 6, 2014

*RE: West Slope Principles for the Colorado Water Plan*

The attached West Slope Principles for the Colorado Water Plan ("Principles") have been updated to reflect additional endorsements. The Principles remain unchanged from the original November 6, 2013 version.

The Principles are a set of broad values and principles designed as a guide to the Governor and the Colorado Water Conservation Board ("CWCB") during preparation of the Colorado Water Plan ("CWP"). The Principles reiterate and augment water policy statements adopted by the key west slope organizations over the years.

The Principles were prepared by local government officials, basin roundtable members, and other water leaders on the west slope. The goal is that these Principles inform the CWP process by expressing commonly-held west slope interests.

A list of the entities that have officially endorsed the Principles is attached.

## ***West Slope Principles for the Colorado Water Plan***

1. **Solutions in the Colorado Water Plan (CWP) to supply water for growth and development in one part of the state should not over-ride land use plans and regulations adopted by local governments in the part of the state from which water will be taken.** <sup>1,2,3,4,5,6,7</sup>
  - 1.1 No new water supply projects or major changes in operation of existing projects should be planned unless agreed to by the county, conservancy district, and conservation district in the area from which water would be diverted. <sup>1,3,5,6,7</sup>
  - 1.2 The CWP must take into account pending projects, water supply plans, comprehensive land use plans, local regulatory authority, water quality plans (208 Plans), watershed plans, multi-party water agreements and related documents adopted by local governments in the area from which water would be taken. <sup>1,2,3,4,5,6,7</sup>
  - 1.3 Both the legislative basis and the legal impact of local government regulatory tools adopted to mitigate impacts of water projects should be recognized and protected. <sup>3,6,7</sup>
  - 1.4 The CWP should never elevate the agricultural interests in one part of the state over the agricultural interests in another part of the state to meet the demands of Front Range development. Agriculture is an important segment of the state's economy as a whole. Agriculture provides food independence, open space, wildlife habitat, cultural value, and economic activity wherever it is located.
  - 1.5 Any new supply projects taking water from one area of the state to another should include funding for "compensatory projects" to serve the area from which the water is taken. <sup>7</sup>
2. **The CWP should protect and not threaten the economic, environmental, and social well-being of the west slope.** <sup>1,2,3,5,6</sup>
  - 2.1 The cornerstones of the west slope's economy are tourism, recreation, agriculture, and resource development, all of which are highly dependent upon water to be successful. The CWP should not facilitate additional diversions that could threaten the region's environmental, social and economic well-being. <sup>1,2,3,6</sup>
  - 2.2 To educate the public about existing conditions on the west slope, the CWP should identify the location and amounts of water that are already diverted every year from the west slope to the east slope, and discuss the historic and current consequences of those diversions. <sup>1,2,3,6,9</sup>

- 2.3 The state should not facilitate, politically, financially, or legally, any new water supply projects from the Colorado, Yampa/White or Gunnison River Basins to the Front Range without the consent of the county, conservancy district, and conservation district in the basin of origin, and unless impacts are avoided and mitigation is provided. <sup>1,2,3,6,7</sup>
- 2.4 New supply projects that involve storage on the west slope must make a significant amount of water available to west slope water uses. New supply projects that involve storage of west slope water in an east slope storage project must provide compensatory storage to protect existing and future west slope water uses, as well as the environmental and non-consumptive needs of the basin of origin. <sup>7</sup>
- 2.5 The CWP must protect investments in public water and wastewater facilities by ensuring that costs to upgrade and operate these facilities do not increase because of Front Range water projects. <sup>5</sup>
- 2.6 The CWP must afford recreational in-channel diversions and CWCB instream flows the same status as other water rights that are protected under Colorado law. <sup>3,6</sup> Other west slope non-consumptive water needs must be factored into the CWP.
- 2.7 Water quality protection efforts of the west slope must be respected and enhanced by the CWP. <sup>4,5,6</sup>
- 2.8 The historic use of west slope agricultural water rights provides a river flow regime that is relied upon by all west slope users and must be maintained. <sup>8</sup>
3. **The CWP should identify a process and requirements for each basin to exhaust available water supply within its own basin before planning diversions from another area of the state.** <sup>1,2,3,7</sup>
  - 3.1 Transmountain diversion water should be re-used to extinction to the extent allowed by law, before any proposed new supply development focuses on further west slope water supply. <sup>1,2,3,6,7</sup>
  - 3.2 Re-allocation of existing supplies in areas that need more water should be evaluated (e.g. rotational fallowing, changing to new uses, deficit irrigation). <sup>1,3,6,7</sup>
  - 3.3 Front range infrastructure and water should be shared to meet future demands (e.g. WISE). Laws and regulations that improve such sharing should be considered.

- 3.4 New Front Range in-basin projects should be pursued to fully utilize in-basin supplies (e.g. Chatfield Reallocation, SDS, Arkansas Conduit, indirect and direct re-use, gravel pit storage projects), including maintaining and enhancing existing storage facilities. The CWP should encourage and facilitate dredging to keep capacity, and streamline efforts to enlarge storage by dredging when practical.<sup>3,6</sup>
  - 3.5 The CWP should promote mechanisms to reduce demand through agricultural or municipal efficiency/conservation, land use and smart growth policies that further water conservation, and controls on water usage.<sup>3,6,7</sup> Under no circumstances should agriculture be penalized for switching to more efficient water use methods.
  - 3.6 The CWP should reject proposals for water to supply new development when and where there are insufficient water resources available to support them under all hydrologic conditions without creating risks for other water users.<sup>1,3,6,7</sup> Any new supply projects that rely on diversions from the west slope should be developed within the existing water rights system and not afforded special status.
  - 3.7 Front Range areas with present and future projected water shortages should pursue collectively financing projects that provide water resources to their areas.
4. **The CWP should outline mechanisms to mitigate the risk of potential Compact curtailment of the Colorado River. For example, the CWP should adopt low-risk legal and hydrologic assumptions related to Colorado's obligations under the Colorado River Compact and the Upper Colorado River Basin Compact in order to minimize the risk of curtailment on existing uses of Colorado River basin water.<sup>7</sup>**
- 4.1 There is disagreement on how much, if any, additional consumptive use water is available from the Colorado River. Because of justifiable reliance and financial investment, existing uses and users should be protected and not put at risk by new development.
  - 4.2 The facilities and methodologies for protecting existing users from a compact curtailment, as well as for mitigation, must be in place prior to any new project or methodology that would take additional water out of the Colorado River Basin.
  - 4.3 The CWP must disclose that fully developing the state's Colorado River compact entitlement will increase the chance of a compact curtailment that would impact existing users.
  - 4.4 New projects in the Colorado River Basin should be supported and approved, if at all, only on conditions that will allow diversion and storage at times and in

amounts that will not increase the risk of compact curtailment of other post-Compact water rights.

5. **The State should not assume a role as a proponent of a water project until the State regulatory process has been completed and the project has been agreed to by the impacted counties, conservancy districts and conservation districts in the area from which water would be diverted.**

The above principles are taken from many sources of earlier water principles around the state. The numbers in the above principles indicate in which documents a similar principle may be found, including:

- <sup>1</sup> Colorado 58 *Water Principles*. In approximately 1999, 58 Colorado Counties, signed onto these Water Principles, which were passed as a House Resolution as well.
- <sup>2</sup> Colorado River Water Conservation District Policy Statement: Existing Transmountain Diversions, Adopted July 15, 2008, readopted July 2011. [http://www.crwcd.org/media/uploads/20110719-policies\\_TMD\\_Existing\\_Projects.pdf](http://www.crwcd.org/media/uploads/20110719-policies_TMD_Existing_Projects.pdf)
- <sup>3</sup> Colorado River Water Conservation District Policy Statement: Transmountain Diversions, adopted March 16, 2000, revised and readopted July 2011. [http://www.crwcd.org/media/uploads/20110719-policies\\_TMDs.pdf](http://www.crwcd.org/media/uploads/20110719-policies_TMDs.pdf)
- <sup>4</sup> Colorado River Water Conservation District Policy Statement: Water Quality, adopted July 2010. [http://www.crwcd.org/media/uploads/20100720\\_policy\\_water\\_quality.pdf](http://www.crwcd.org/media/uploads/20100720_policy_water_quality.pdf)
- <sup>5</sup> NWCCOG Water Quality/ Quantity Committee Policies, readopted November 2012.
- <sup>6</sup> 2012 NWCCOG Regional Water Quality Management Plan (208 Plan). [http://nwccog.org/docs/wss/rwqmp\\_2012/Vol%201\\_Policy%20Plan%202012%20208%20Plan.pdf](http://nwccog.org/docs/wss/rwqmp_2012/Vol%201_Policy%20Plan%202012%20208%20Plan.pdf)
- <sup>7</sup> Colorado Basin Roundtable Vision Statement (Nov. 2010).
- <sup>8</sup> Orchard Mesa Check Case, 91CW247, Water Division No. 5.
- <sup>9</sup> i.e. Senate Document No. 80, Windy Gap Project, Windy Gap Firing Project, Colorado River Cooperative Agreement

JURISDICTIONS ENDORSING  
THE WEST SLOPE PRINCIPLES FOR THE COLORADO WATER PLAN

Eagle County  
Grand County  
Gunnison County  
Pitkin County  
Park County  
Routt County  
Summit County

Town of Avon  
Town of Breckenridge  
Town of Crested Butte  
Town of Dillon  
Town of Frisco  
Town of Fraser  
Town of Grand Lake  
Town of Gypsum (with exceptions)  
Town of Kremmling  
Town of Minturn (with exceptions)  
Town of Silverthorne  
City of Steamboat Springs  
Town of Vail  
Town of Yampa

Arrowhead Metropolitan District  
Berry Creek Metropolitan District  
Copper Mountain Consolidated Metropolitan District  
Eagle River Water & Sanitation District  
EagleVail Board of Governors  
Edwards Metropolitan District  
Middle Park Water Conservancy District  
Upper Eagle Regional Water Authority  
Winter Park Ranch Water and Sanitation District

Colorado Basin Roundtable