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Goals for Colorado's Water Plan: An Overview

CONFERENCE REPORTS

UNIVERSITY OF DENVER WATER LAW REVIEW SEVENTH ANNUAL SYMPOSIUM: PREPARE. PROTECT. PRIORITIZE. EXPLORING COLORADO'S NEW WATER PLAN

Denver, CO April 18, 2014

GOALS FOR COLORADO'S WATER PLAN: AN OVERVIEW

James Eklund, the Executive Director of the Colorado Water Conservation Board ("CWCB"), which is in charge of drafting Colorado's new Water Plan, launched his presentation by pointing out the history of "creative tension" that exists between Colorado's eastern and western slopes regarding water use. He noted that this tension originates from the fact that 80 percent of the water is on the western slope, although 87 percent of the state population resides on the eastern slope. Eklund explained that forecasts predict Colorado's population will reach ten million by 2060. The snowpack's constant or below average yield, coupled with Lake Powell's recent all-time lows, mean Colorado must plan diligently for its future water use. Eklund pointed out that the CWCB has facilitated more than 780 statewide meetings as an essential part of the effort to address the widening gap between supply and demand.

Eklund commended the doctrine of prior appropriation for its adaptability and its resiliency in the face of constantly changing circumstances, from economic growth to recession. He noted that prior appropriation is not a stale doctrine, but, rather, it has allowed Colorado to advance and protect water uses of all kind. Eklund also emphasized that even though the doctrine is not the cutting edge of water planning, it nonetheless helps Colorado engage in the interstate water rights discussion.

Next, Eklund pointed out that Colorado's future depends on affirmative action such as Colorado's Water Plan ("Water Plan"), which Governor John Hickenlooper's executive order put into motion in 2013. Eklund also identified the Water Plan's values, which include vibrant sustainable urban landscapes, healthier water and environment, and robust recreation and tourism, as well as viable and productive agriculture. He noted that the CWCB does not limit the Water Plan to Denver, but that the plan is a statewide collaborative effort between the state's seven river basins seeking to build consensus.

Eklund next described the Water Plan's goals. The Water Plan will address the challenge of closing the gap between supply and demand, and aims to protect, preserve, and enhance the state's rivers. Additionally, the Water Plan will formulate alternatives to buy and dry so as to align state efforts and water dollars. Finally, Eklund emphasized the Water Plan's goal of incentivizing a quicker federal regulatory process by creating a procedure that meets all required elements, has state endorsement, and allows the state to

prioritize its water resources.

Eklund commented on the Water Plan's expeditious process, which started in 2013 and is due at the Governor's desk in December 2014. He explained that the CWCB is closely following every water issue discussion in the state in order to make the process as inclusive as possible. The process includes basin roundtables, grassroots discussions that inform basin implementation plans across the state. The basin implementation plans will, in turn, inform the drafting of the Water Plan. Eklund stated that once the CWCB submits the first version of the Water Plan, the CWCB will engage the state as whole in order to further refine and improve the Water Plan.

Eklund finished his presentation by reminding the audience that planning for future water use was an obligation of the state. He called on those present to engage in the process in order to help the CWCB "get it right."

Edgar Barraza

EXPLORING COLORADO'S NEW WATER PLAN, FEATURING REPRESENTATIVES FROM THE COLORADO WATER CONSERVATION BOARD

Addressing potentially the most important contemporary water issue in the state, the University of Denver Water Law Review Annual Symposium focused on the Colorado Water Plan ("Colorado Plan"). The Symposium began with a panel discussion featuring members of the Colorado Water Conservation Board ("CWCB"). The discussion focused on three particular areas: (i) the role the Statewide Water Supply Initiative ("SWSI") will play in the new Colorado Plan; (ii) how the Colorado Plan will address the many issues surrounding the Colorado River; and (iii) an overview of how the environment and recreation fit into the Colorado Plan. Working in concert, these topics help to better illuminate the work the CWCB is undertaking to complete the Colorado Plan.

The first panelist, Rebecca Mitchell, the Water Supply Planning Section Chief at the CWCB, detailed the role SWSI would play in the final version of the Colorado Plan. Completed in 2010, SWSI was a technical analysis of Colorado's water issues. It addressed demands for water in the state, supplies of water in the state, the gaps between supply and demand, and potential solutions to those gaps. The CWCB is currently updating the SWSI to coincide with the Colorado Plan. The update will establish a narrative-driven approach while incorporating new planning methods and measures that will assess the uncertain nature of future conditions.

Mitchell then transitioned to discussing how the CWCB will incorporate the SWSI into the Basin Roundtables ("BRTs"), which Mitchell explained are key components in developing the Colorado Plan. The Water For The Twenty-First Century Act, which the Colorado General Assembly passed in 2005, created the nine BRTs across Colorado to provide local, collaborative forums for stakeholders. Each of these BRTs is developing a Basin Implementation Plan designed to address the water supply gaps in the region. Mitchell explained that the CWCB will develop these Basin Implementation Plans in coordination with the updated SWSI. From there, the BRTs will send the Basin Implementation Plans to the CWCB, which will then incorporate