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water users to solve the complex problems of water resource management.

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THE COLORADO RIVER: INTERGOVERNMENTAL AGREEMENTS

As part of its three-day annual conference, the Rocky Mountain Land Use Institute hosted a discussion on recent developments in Colorado River use. The discussion focused on the unique and sometimes competing land use interests in Colorado that can pit interests on one side of the Continental Divide against interests on the other side.

"The Colorado River: Intergovernmental Agreements" specifically focused on the 2011 Colorado River Cooperative Agreement ("CRCA"), which brought together Western Slope and Front Range parties in an effort to settle ongoing conflicts and also consider cooperative conservation efforts. Eric Kuhn, General Manager of the Colorado River Water Conservation District ("CRWCD"), outlined the general Western Slope view. Covering fifteen counties, CRWCD is one of Colorado's four major conservation districts (their respective boundaries defined by a specific water basin). According to Kuhn, as the conservation district of the Colorado River Basin, CRWCD strives to conserve water in the basin, protect statewide interests, and promote responsible development on both sides of the Divide. Tom Gougeon, a member of Denver Water's five-person Board of Water Commissioners, joined Kuhn and represented the Front Range (and more specifically Denver) view.

Mr. Kuhn began by describing how land use policy inextricably links to water use and conservation. For the Western Slope, encouraging settlement and agricultural development requires extensive irrigation and access improvements. From at least the 1930s, the Bureau of Reclamation has played a vital role in creating more arable land and encouraging agriculture on the Western Slope.

But as Western Slope irrigation projects took shape and grew under the auspices of the Bureau of Reclamation, Denver continued to grow and strain its own water supply from the South Platte system. Denver and the Front Range had similar goals in agriculture and irrigation as the Western Slope, but Denver's large population growth forced the city to look beyond the South Platte to supply its residents. As a solution, Denver turned to the Colorado River Basin and constructed transbasin water infrastructure to supply the burgeoning Denver population.

The decision to turn to the Colorado River was predictable: 80% of the state's population lives along the Front Range, but about 80% of the state's water flows west and away from Denver by the Colorado River and its tributaries. As Kuhn noted, major projects bringing Western Slope water to the Front Range, including the Moffatt System on the Fraser River and Dillon Reservoir on the Blue River, pull water from headwater streams. Kuhn also explained that projects on the Fraser River and the Blue River are just "one pass" from the Front Range (Berthoud and Loveland Passes, respectively) making them Denver's most accessible options.

As these projects came on line, Kuhn explained, disputes arose between the two interests, and they pumped untold amounts of money into litigation. For example, determining the priorities of the Colorado-Big Thompson Project, which supplies the Front Range, and Green Mountain Reservoir, which supplies Western Slope communities, proved arduous and expensive. The Blue River Decree attempted to resolve these and other conflicts, but has itself become the subject of litigation and dispute since its inception in 1955.

After the drought years of 2002-2003, Denver sought to improve the Moffatt System and increase the capacity of Gross Reservoir, and applied for permits to do so. In response, CRWCD and other Western Slope entities wanted to create an agreement to facilitate the resolution of disputes and set out a more cooperative relationship over Colorado River use. The CRCA negotiations were completed in 2011. CRWCD, Denver Water, and many Western Slope constituencies have signed the agreement.

As Kuhn explained, the most important goals for CRWCD and the other Western Slope signatories were to protect streamflows, secure water for consumptive use in the Western Slope's agricultural and recreational economies, encourage smarter growth and irrigation practices, and implement better Front Range conservation and reuse. To CRWCD, the CRCA works to achieve each of those goals by, for example, defining the specific service area of Denver Water, supplying more water for more diverse uses in Summit and Grand Counties, implementing Denver's "WISE" reuse project (discussed below), and allowing new Denver Water development only with the consent of impacted Western Slope signatories. Each of these provisions contributes to water conservation and a more cooperative environment, allowing the two sides to work together to tackle future challenges. As Kuhn stated, the CRCA recognizes Denver and the Western Slope have interconnected economies and with that both sides need to recognize the same connection in water policies.

After Kuhn's outline of the CRCA and its effect on Western Slope signatories, Denver Water's Tom Gougeon spoke about the agreement's impact on Denver and the Front Range. Summarizing the century-long development Denver Water's system and its utilization of the South Platte, Blue, and Fraser Rivers, Gougeon asserted Denver Water's system remains reliable and robust, providing high-quality water to over 1.3 million people in Denver and surrounding areas.

Gougeon noted Denver Water has diligently pursued conservation efforts by metering use and instilling a culture of conservation in its customers. In fact, Gougeon offered, despite significant population growth, Denver Water has reduced demand by 20-25% since 2005. But as Gougeon explained, these improvements to the system and to conservation efforts have not tempered the need to ensure reliable supply in an increasingly unpredictable hydrological climate. The old view that rivers provide a "firm yield" year-to-year no longer accurately describes the situation confronting water providers. Future supply is not as easily calculable as once believed, which means conservation and reuse are more important than ever to prepare for dry years. New challenges like increased fire danger, terrorism, and possible Colorado River Compact calls do not simplify the picture either.

To Denver Water, entering into the CRCA was a way to tackle numerous goals at once and replace historical conflict with cooperation. Above all, the CRCA helped to create more certainty in supply and in the ability to cooperate with the Western Slope on new projects and conservation. As Gougeon observed, fighting over the interpretation of the Blue River Decree did not help either party. By settling points of contention, both sides can instead focus on more pressing issues of conservation and vulnerability of supply.

Denver Water, for example, abandoned long-held conditional water rights in Eagle County because it was unlikely to ever make those rights absolute. In truth, continued retention of those priorities only aggravated relations with Western Slope communities. CRWCD likewise abandoned similar rights that it perfected in the 1950s and 1960s but never put to development or use. This new cooperative mindset, Gougeon believes, created a "holistic approach" that is better suited than litigation for actually resolving sticking points between the Western Slope and Front Range to the benefit of all Colorado River users.

Two specific accomplishments of the CRCA serve Denver's interests. First, Gougeon said, making progress on the Gross Reservoir expansion was essential to Denver Water to strengthen the relatively weak northern end of its system. Second, WISE would also serve to conserve more water and relieve some of the stress upon Denver's system in the present and future. As Gougeon explained, WISE came out of a realization that, eventually, many residents in Douglas County and other areas southeast of Denver will face supply problems and will turn to Denver Water for relief. Because many residents of Douglas County rely upon a decentralized system of groundwater wells, any depletion in supply cannot easily be resolved without outside help. Instead of taking on those customers directly, Denver Water preferred to reuse some of its reusable effluent through the WISE project to supply those areas.

Kuhn and Gougeon agreed the CRCA embodies a "new way of doing business." The CRCA will help to secure reliable water supply for all Coloradoans along the Front Range and throughout the Colorado River Basin. It will also work to ensure more environmentally sound water systems and more productive political relationships across the Continental Divide.

Overall, the discussion was effective in helping to describe the competing interests in Colorado for access to Colorado River water. Kuhn and Gougeon's comprehensive account of the various challenges each faces in their respective roles, and in implementing the CRCA, left out no detail. The discussion further provided a good look into the future of cooperation between their respective organizations.

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