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Conservation: Responsible Planning for a Balanced Future

CONSERVATION: RESPONSIBLE PLANNING FOR A BALANCED FUTURE

Drew Beckwith is the Water Policy Manager with Western Resource Advocates. His presentation focused on how water conservation is a powerful solution, which can meet urban water needs. He divided his presentation into three topics: first, the evolving science of conservation; second, policy level implementation; and, third, local level implementation. In discussing the evolving science of conservation, he used the Colorado Water Conservation Board (CWCB) as an example. The CWCB, in conjunction with the Statewide Water Initiative, have taken leaps and bounds in the last five years in water conservation planning.

Water conservation methods are diverse and varied. By prioritizing their efforts, Agencies can determine the best water conservation methods to use. Beckwith illustrated this through a Silo of prioritization: a graphic of a cylinder divided into four levels. The bottom level of the cylinder was the foundation of water conservation activities, which included leak detection, rates, and tracking. These foundational practices focused on water sources, water transport, and water consumers. There were three additional levels on top of the foundational activities that were each divided into three areas. He identified these as Education, Ongoing Water Programs, and Ordinances and Regulatory. The advanced tiers of water conservation all rested on the three foundational practices.

He explained that the CWCB has been successful because they have integrated their work. To implement these ideas, the CWCB, in collaboration with Colorado Water Wise, have produced a best practices manual entitled: *The Guidebook of Best Practices for Municipal Water Conservation in Colorado*. The manual has provided the best conservation practices, including the necessary foundational practices regardless of size, location, and cost. In addition, it has described the best practices for upper level conservation, how to implement the practices, what kind of savings to expect, the cost, and local examples in the state.

This guidebook helped the CWCB to produce *The State Wide Water Supply Initiative of 2010* (SWSI 2010). SWSI 2010 takes the foundation of technical water conservation analysis and incorporates it into the statewide study describing how much water Colorado needs in the future and the strategy to meet that future need. The water conservation strategy of SWSI 2010 has high, medium, and low components. In a high conservation area, it has estimated a thirty-four percent reduction in per capita water usage. However, such reductions will involve a significant amount of effort. Although it is possible, there will likely be a number of legislative issues and policy implications.

In the policy realm of water conservation, Western Resource

Advocates collaborated with Trout Unlimited and the Colorado Environmental Coalition to release a report called: *Filling the Gap*. This report talks about the current water supply, the growing demand, and how Colorado can meet those future needs. The report discusses their ideas on how to fill the gap. They believe in keeping the waters in the streams because of all the benefits the state receives from the water. Using SWSI 2010, they focused on the Front Range counties of the South Platte Basin, which contains the majority of the population in Colorado.. Given a medium population growth scenario, there will be, by 2050, an increase in demand of about 365 thousand-acre-feet of water. The report talks about how to fill this gap and provides about 200,000 acre-feet in excess of demand needs. Although many people believe that additional trans basin diversions are the answer to future water needs, this report shows that water conservation is an answer as well.

There are many tools for water suppliers to conserve, including rates, rebates, retrofits, and land-use planning. Moreover, public norms are an interesting area for water conservation. Energy providers have successfully done this through bills that show how much a customer is using compared to surrounding neighbors. If Colorado can change the social norms regarding water use, there is significant potential for accelerating water conservation.

Beckwith concluded by stating that water conservation could help meet future water needs in Colorado. There are multiple examples of states in similar situations that have had success through conservation. There will be similar success in Colorado, as the state implements programs that focus on continuing water conservation.

Collin Zundel

ETHICS IN THE PRACTICE OF WATER LAW

John J. Cyran, First Assistant Attorney General for the Water Rights Unit at the Colorado Office of the Attorney General, presented on ethical issues pertaining to legal conflicts between past, current, and future clients in the practice of water law in Colorado.

But first, John Cyran talked about balloons. Cyran analogized river systems in Colorado to a pressure-filled balloon: a squeeze on one end will inevitably affect the pressure on the other end. Cyran used this analogy to show that a water user's application for, or change to a water right affects other users in a water system. For example, in a situation where a lawyer's current client, Client A, owns water rights on River 1, the lawyer may encounter a conflict in representing future Client B on River 1, or even River 2, in a change application if the water systems are at all connected.

Throughout his presentation, Cyran referred to CBA Ethics Opinion 58: Water Rights, Representation of Multiple Clients. According to Rules of Professional Conduct 1.7(a), a conflict of