William Caile

Partner
303.295.8403
Denver
whcaile@hollandhart.com

Draft Colorado Water Plan Submitted by Colorado Water Conservation Board

Insight — 12/12/2014

On December 10, 2014, the Colorado Water Conservation Board ("CWCB") submitted the first draft of "Colorado's Water Plan" (the "Draft Plan") to Governor John Hickenlooper pursuant to Executive Order D2013-05.

The Governor's Executive Order, issued on May 14, 2013, directed the CWCB to create the first-ever statewide water plan in response to an anticipated shortfall, or "gap" between available water supplies and future estimated demand, that could exceed 500,000 acre feet by 2050. The CWCB was instructed to develop a plan that reflected Colorado's "water values," while maintaining and reaffirming the Colorado Constitution's recognition of the prior appropriation doctrine for water allocation ("first in time, first in right"). Water values identified in the Executive Order and the Draft Plan are:

• A productive economy that supports vibrant and sustainable cities, viable and productive agriculture, and a robust skiing, recreation, and tourism industry;
• Efficient and effective water infrastructure promoting smart land use; and
• A strong environment that includes healthy watersheds, rivers and streams, and wildlife.

The nearly 400-page Draft Plan is described as a "collaborative" document, and states that it is the culmination of an extensive public outreach effort that included over 13,000 comments received from individuals and organizations, dozens of meetings of the nine Basin Roundtable groups (one for each major river basin plus the Denver metro area) and the Interbasin Compact Committee, and input from numerous other State agencies.

After an extensive analysis of the legal and institutional setting, and the existing water supply and anticipated demands in each basin, the Draft Plan establishes several broad "action steps" to help Colorado respond to future water challenges. These include:

• Improved water supply management, including conservation and reuse;
• Minimizing "buy and dry" transfers of agricultural water rights, and promotion of alternative agriculture-to-urban transfers such as fallowing-leasing projects;
• Streamlining the permitting process to encourage water supply projects for municipal, industrial, agricultural, environmental and recreational uses;

- Water resource management and protection;
- Interbasin projects and agreements;
- Alignment of state resources and policies; and
- Legislative recommendations.

Notably, the Draft Plan defers specific legislative recommendations to the final Plan, for consideration in the 2016 legislative session. The Draft Plan is expected to undergo further revision in the months to come, as the CWCB continues to engage in public outreach. A final version of Colorado's Water Plan is expected to be presented to the Governor on or before December 10, 2015, following which it is anticipated that legislative efforts will be undertaken to implement key aspects of the final Plan.

For more information on Colorado's Water Plan, the upcoming processes to finalize and implement the Plan, and how it might affect current and future water uses and water supply projects, please contact Chris Thorne or Bill Caile.

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