Growth Helps Usher in New Era for Water Management in Colorado

by Governor Roy Romer

If we are to preserve what is unique and special about Colorado – its economic vitality and unparalleled natural and cultural heritage – we must act now to plan for and manage growth. We need to ensure that we are growing in ways compatible with shared values and a vision of what we want the state to look like in five, ten, or even 50 years.

These have been the themes of our Smart Growth and Development effort, which began last summer when my administration released a 9-Point Plan for Smart Growth. The effort continued through January, when I convened over a thousand Coloradans in a state wide conference to discuss growth-related issues and possible responses. Conference participants agreed to meet region-by-region to develop plans and visions designed to realize their goals. With completion of these regional meetings at the end of April, Coloradans had defined both growth-related issues and the processes for how we will meet head-on the challenges growth poses. Now, my administration is working closely with a statewide Inter-regional Council to coordinate regional visions and review tools and resources necessary to sustain them.

WATER AND ITS RELATIONSHIP TO SMART GROWTH

Many CWC members may recall that I addressed the Congress at its annual meeting last January. In my remarks, given the same day the Smart Growth and Development conference concluded, I asked whether it makes sense to continue to promote growth and development in areas that depend solely or largely upon non-tributary groundwater. I suggested that continued reliance on non-renewable groundwater threatens to steer us into a financial box canyon, where the only way out would require untold investment in replacement surface water development and distribution systems once we had depleted groundwater supplies beyond our physical or economic capacity to use them.

Continued population growth in Colorado is a given. Our population will double. It may take 30 years or 50 years, but growth pressures will continue over the long haul.
NEIL JAQUET

Neil Jaquet, 48, of Golden, was elected CWC Vice President in 1995. Neil is the Manager of Water Resources Development for Coors Brewing Company. He is in charge of water rights and facilities development to supply this Colorado brewer with an uninterrupted supply of water. He joined Coors in 1975. Neil has served on numerous ditch company and volunteer organization boards of directors. He is serving his second term on the CWC Board of Directors and has been active on several committees.

Jaquet holds Master's degrees in surface water and ground water geology and water resources management from the University of Wisconsin - Madison and a Master of Business Administration from the University of Denver. He served in the U.S. Army during the Vietnam era.

Neil and his wife, Demitra, live in an unincorporated Jefferson County with their two children.

DOUG KEMPER

Doug Kemper, 39, of Aurora, was elected CWC Treasurer in January. Doug is the Manager of Water Resources for the City of Aurora. He is in charge of raw water operations, water resources planning, and one of the largest agricultural reclamation projects in the nation. He has been in his eight year with the City. Prior to working with Aurora, he worked five years as a consulting engineer chiefly with Rocky Mountain Consultants, Inc.

Doug is currently serving his fourth term on the Board of Directors of the Colorado Water Congress and has been active on most of this organization's special and standing committees.

Doug has a Master's Degree from the University of Colorado in Civil Engineering/Water Resources and a Bachelor's Degree from Vanderbilt University in Environmental and Water Resources Engineering. He is a registered Professional Engineer.

He and his wife recently built a new home on 3.5 acres in unincorporated Adams County where they live with their two children.

EDWARD E. "ED" POKORNEY

Edward E. "Ed" Pokorney, 51, was elected CWC Assistant Treasurer in January. Ed is Director of Planning for the Denver Water Department. He joined the Water Department in 1982, and was most recently Manager of Intergovernmental/Public Relations. In addition, he participates in a number of groups: National Water Resources Association (Board Member), NWRA Municipal Caucus (Chairman); National Water Utility Council Legislative Committee; and many Colorado Water Congress Committees.

Pokorney holds a Ph.D. from the University of Missouri. After completion of his academic efforts, he served in the U.S. Air Force as a Captain. Post Air Force activity included helping to found the Colorado Forum, an organization of corporate chief executive officers involved in public policy issues.

Ed is married, and he and his wife, Elizabeth, have two daughters.

ROBERT O. BURR

CWC immediate eligible Past President Bob Burr, 58, of Walden was born and raised on a ranch in Jackson County and went on to attend Oklahoma State University where he received a Bachelor of Science degree in Animal Husbandry. He is co-owner and manager of a family ranch operation which has been in the family since the 1920's. He served in the Wyoming Air National Guard from 1958 to 1964.

Bob serves as Director of the North Park Stockgrowers, the Jackson County water Conservancy District (of which he also serves as Secretary-Treasurer), and the North Platte-Laramie River Basin. He is also a member, and Chairman of the Water committee, of the Colorado Cattlemen's Association, Bob has served on numerous Colorado Water Congress Committees (Management & Budget, State Affairs, Federal Affairs, Wetlands, Wilderness, Resolutions). He has recently become a land owner representative on the North Park Habitat Partnership Program. He was also appointed to the Colorado Water Resources and Power Development Authority by Governor Romer.

Bob is married, and he and his wife, Frances, have two daughters.

RICHARD D. "DICK" MACRAVEY

Richard D. "Dick" MacRavey, 64, is in his sixteenth year as Secretary and Executive Director of the Colorado Water Congress. MacRavey is no stranger to Colorado. He served three years as Executive Director to the Larimer-Weld COG and seven years as Executive Director of the Colorado Municipal League. During his tenure with the Larimer-Weld COG, he was responsible for developing and guiding the early stages of the Larimer-Weld "208" Water Quality Management Planning effort.

In 1970, MacRavey served as Chairman of the Colorado Good Government Committee for the promotion of the State Constitutional Amendments One (Governor's Cabinet), Two (State Civil Service Reorganization) and Three (Local Government Modernization). All three amendments were approved overwhelmingly by the people of Colorado. During 1988, MacRavey was appointed by the Legislative Leadership and served as one of the 48 members of COLORADO VISION 2000. In 1989, the Legislative Leadership appointed MacRavey to the 16-member Legislative Council Subcommittee on Long Range Planning for State Government.

During 1969-71, MacRavey served on the National League of Cities Board of Directors. He is presently a member of the Boards for the Colorado Water PAC and the Colorado Water Education Foundation. MacRavey is a member of a number of the Associate Executives, Colorado Society of Association Executives, Colorado Water Congress, American Water Works Association, and International City Management Association (cooperating member).

MacRavey and his wife, Mary, are the parents of six adult children and two step-grandchildren. MacRavey has a Bachelor of Science degree from the University of Wisconsin - Madison and a Master of Science degree (in public administration) from the University of Colorado - Boulder. During the Korean conflict, he served with the U.S. Navy.
COURT REJECTS PUBLIC TRUST INITIATIVE
by Stephen H. Leonhardt

The Colorado Supreme Court has struck down the Public Trust Initiative, largely because it would take away the discretion and balance of the Colorado Water Conservation Board's program for instream flow water rights.

A plurality of the court held that the Public Trust Initiative was unconstitutional because it could not, as planned, contain a single subject. The court, however, found that the Public Trust Initiative was only the latest in a series of attempts to create a single subject.

The court distinguished between a single subject and a multi-subject initiative. A single subject initiative must contain one main subject, whereas a multi-subject initiative can contain multiple subjects. The Public Trust Initiative was found to be a multi-subject initiative because it contained multiple objectives.

The court also noted that the Public Trust Initiative would have had the effect of giving the public a greater say in the management of water resources. This is a common argument made in favor of public initiatives, but the court found that the Public Trust Initiative would have given the public too much say in the management of water resources.

The court's decision is significant because it is the first major decision by a state supreme court on the single subject rule. The single subject rule was established in 1979 by the Colorado Supreme Court in the case of Colorado Water Congress v. Title Board. The rule requires that a public initiative contain only one main subject.

The court's decision in the Public Trust Initiative case is significant because it will likely affect future initiatives in Colorado. The court's decision is likely to be cited in future cases in which the single subject rule is challenged.

The Public Trust Initiative was sponsored by several environmental and conservation groups. The court's decision is likely to be seen as a victory for those groups, who argued that the Public Trust Initiative was necessary to protect the public's interest in water resources.

The court's decision is also significant because it is likely to affect future initiatives in other states. The single subject rule has been adopted in other states, and the court's decision in the Public Trust Initiative case may influence future decisions in those states.

In conclusion, the court's decision in the Public Trust Initiative case is significant because it is the first major decision by a state supreme court on the single subject rule. The court's decision is likely to be cited in future cases in which the single subject rule is challenged. The court's decision is also significant because it is likely to affect future initiatives in other states.
Can Past Water Management Approaches Sustain Us in the Face of Present and Future Growth?

Take, for example, the Denver metropolitan area and the Front Range. We know these areas are going to grow and that water supply needs will increase. This fact raises the question of how to develop and implement water management practices that we used to meet past growth and how to sustain and develop solutions that meet the needs of the future.

Historically, local governments and the private sector serving the metro area’s water needs have addressed water demands associated with future growth in four ways: 1) by increasing the flows of the South Platte River; 2) imported water from outside the South Platte Basin; 3) managing existing water systems or combat the negative effects of sprawl development; and 4) attempting to develop new water supplies to meet several different objectives. They seek to maximize use of existing supplies before turning over conflict. They promote an integrated management of water resources that recognizes and utilizes the interrelationships between local governments and the metro area’s water systems.

In 1993, we initiated the Front Range Forum to explore cooperative approaches to coordinate and integrate the operations of many existing governmental water systems. The primary goal of this exploration is to determine whether existing water metro systems can be extended to relieve the urgency for developing new supplies at the expense of the West Slope or Front Range agricultural regions. The Clinton-Gore Agreement, also executed in 1993, provides for use of an existing but under-used reservoir to increase the water supplies in Summit and Grand counties, while protecting streamflows and increasing flexibility for Denver water users.

Another recent accomplishment was the landmark agreement forged between West Slope and East Slope water interests that led to the development of the Wolford Mountain Project near Kremmling – an effort that also helped to support the successful conservation of the Yampa in Northwestern Colorado, the Conservancy District’s southern pipeline project is the result of many communities working cooperatively to further the federal government’s role in project fining. Denver Water’s recent development of an integrated resource management plan that potentially represents a new model for local water supply planning.

In the environmental arena, we have encouraged efforts designed to ensure that water development and endangered species are coordinated with each other. Efforts that we used to meet past growth and environmental protection.

Present and Future Growth?

The first obstacle was overcoming historical distrust between entities represented by forum members and between local governments and the state - no easy task.

The challenge of non-tributary ground water

Despite encouraging developments in the Front Range Water Forum, we need to recognize that we have a major problem regarding the continued development of non-tributary water supplies in the Denver Basin. Even before the forum’s technical committee completes its work, we must move forward to address the implications:

1. Conjunctive use, which is the coordinated use of surface and groundwater to use each resource more efficiently than could otherwise be attained by separate and independent managers.

2. Effluent management, which will increase regional metro water supplies while complementing water quality compliance efforts.

3. Irrigutable supply arrangements, which will provide for voluntary, short-term transfer of water supplies to meet municipal needs and increase municipal system reliability without permanent reallocation of water use.

4. Systems integration, which physically link existing water systems to increase or more fully utilize regional supplies of water.

The technical committee will present a progress report to the Forum in late summer and hopes to finalize its research by early 1996.

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Thousands of homes and businesses have been developed and are approved based upon a finite supply of water for which no presently identified alternative source exists. As I indicated in my speech to the Water Congress in January, I believe this is both unreasonable and irresponsible. Therefore, I have asked the Department of Natural Resources to work over the summer and fall with water providers and local land use authorities in the Denver Basin to develop recommendations for addressing this critical issue. I am open to any recommendations this group may develop, but will ask them specifically to consider the adequacy of the present 100-year rule governing the rate of groundwater development in the Denver Basin. If the new rules have already been developed based on this role, I also want them to consider whether regional authorities should be developed to provide for a broad-based conjunctive use and groundwater management programs and how the activities of these regional authorities could be integrated with local land use plans. These authorities could include the ability to pool groundwater sources, and use aquifer space for underground storage. We should also consider whether the authorities of local governments and the State Engineer’s Office should be extended to include the sale of groundwater.

The growth pressures Colorado is facing creates new urgency for the proper management and development of water supplies. The way in which we manage and promote water development must respond to the demands that this new situation presents. We must develop programs consistent with the visions and values reflected in local and regional Smart Growth visions and priorities. Gone are the days when we could proceed at the discretion of local authorities. Clearly we have entered a new era that is one must continue to be characterized by cooperation over conflict, effective use of existing tools and systems, and integration of water planning and management with land use growth decisions.

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