COLORADO RIVER WATER
CONSERVATION DISTRICT

The Honorable Richard D. Lamm
Governor State of Colorado
State Capitol Building
Denver, CO 80203

Re: East-West Slope Water Negotiations

Dear Governor Lamm:

There are presently twenty-six (26) transmountain diversions of water from the west slope to the east slope in the State of Colorado. There are thirteen transmountain diversions from the Colorado River and its tributaries including the Eagle River. There are three transmountain diversions from the Roaring Fork and three from the Gunnison River and its tributaries. As an example, excluding transmountain diversions from the San Juan River and its tributaries, 634,800 acre feet was diverted in 1978 from Western Colorado to Eastern Colorado. These diversions are detrimentally impacting and foreclosing the economic future of over one-fourth the land area of the State of Colorado.

As you are well aware, transmountain diversions of water which result in the total removal of water from a river basin have extraordinary impacts compared to the typical in-basin water use. These impacts and resulting damages include but are not limited to the following:

(a) The lack of water to meet existing and future demands in certain areas of western Colorado.

(b) The likelihood of transferring to the western slope the entire burden of supplying water to meet the Colorado River Compacts requirements.

(c) Additional costs and burdens caused by the removal of high quality water from headwaters streams thereby increasing downstream salinity.

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(d) The construction or reconstruction of new headgates and diversion facilities in order to obtain the amount of water appropriators are entitled to under existing decrees.

(e) The denial of municipal expansion of water and sanitation systems especially the counties from which the water is diverted.

(f) Increased capital and operating costs for water and sanitation plants, particularly in the Fraser and Blue River Valleys.

(g) The reduction or elimination of land tax base by the purchase of private property by tax exempt entities.

(h) The loss of the agricultural lands and agricultural production due to reduced water supplies.

(i) Detrimental socioeconomic and environmental impacts on local municipalities, counties and the entire western slope.

(j) The consequences of measures used to mitigate impacts on species listed as threatened or endangered.

(k) Degredation of the west slope recreation industry which depends on the esthetic and utility of full-flowing streams.

The above list is certainly not meant to be all inclusive.

The State of Colorado has, since 1937, recognized that the basin of origin is entitled to protection from those who would divert water from that basin. These provisions are set forth in C.R.S. 37-45-118(1)(b)(IV). It was pursuant to the statutory provisions that mitigation from many of the impacts and resulting damages resulted in the construction of Green Mountain and Ruedi Reservoir. The protection of in-basin users by the construction of compensatory storage was also recognized in the Windy Gap Settlement. See Colorado River Water Conservation District v. Municipal Subdistrict, Northern Colorado Water Conservancy District, 610 P.2d 81.

The River District has fully participated in the Governor's Roundtable and meetings of numerous committees and sub-committees associated with that effort. The River
District has also participated in the Systemwide EIS Roundtable Task Force and Coordinating Committee and the West Slope Water Advisory Council. This participation has been made in an effort to protect Western Colorado's present and future economy and obtain mitigation for damages that will result from new and increased transmountain diversions. Needless to say, we are disappointed thus far with the results from this process as the transmountain diverters have been unwilling to mitigate or even recognize these damages.

In an effort to make certain that the River District position is not misunderstood, on July 17, 1984, the River District Board unanimously adopted the document Colorado's East-West Slope Water Negotiations, which was a statement by Club 20, as the River District's policy and guide concerning Colorado's East-West water negotiations. The Board further instructed that this statement be enforced to the fullest extent possible. A copy of that statement and the Board's motion are enclosed for your use. It is the River District's position that our past and present participation in the Governor's Roundtable process and its associated committees is a commitment to the position set forth in the attached policy statement.

It is our intention to continue to participate in all Roundtable and SEIS associated meetings and negotiations and to do so in a constructive fashion; however, we must make it clear that the past, present and future participation should not be construed as anything other than an effort to protect the interest of western Colorado, to provide compensatory storage and to provide mitigation for the damages caused by increased transmountain diversions.

We view your statements made to the West Slope Advisory Council in Grand Junction, Colorado on July 26, 1984 as being sympathetic to our desire to mitigate these damages. We plan to work with you in the future in an effort to make certain that western Colorado has the available water supply it deserves so as to develop its human and natural resources.

Very truly yours,

President, Colorado River Water Conservation District

RRL/1mp

c: Board of Directors, CRWCD
Colorado Legislature
Members, Governor's Metro Roundtable
Boards of County Commissioners
Water for Colorado
Colorado Water Congress
Club 20
West Slope Advisory Council
A Statement Adopted by Club 20, June 19, 1984

Colorado's East-West Water Negotiations

For nearly 90 years, Eastern Colorado has looked for much of its water supply to the streams of Western Colorado. Historically, there have been successes and failures on both sides; there have been cases of cooperation and consideration as well as cases of blatant disregard for the people of one region by the people of another. The cooperation has usually come about because the law required it.

All of that notwithstanding, the bottom line to that history is that approximately 500,000 acre-feet of water per year are being taken from present and future Western Colorado water users — the ability of Western Colorado to grow, to develop economically, to enhance its quality of life has already been restricted for evermore to that extent. In return, Western Colorado has been compensated with 150,000 acre-feet of storage in the form of Green Mountain and Ruedi reservoirs.

In the late 1970s, Club 20 began meeting with representatives of the Denver Water Board and other Front Range water interests to establish dialogue that might lead to less conflict and greater benefit to water users on both sides of the mountain.

In 1981 Governor Lamm established the Metropolitan Water Roundtable with the single purpose of dealing with the future water needs of the Denver metropolitan area by establishing dialogue and reaching some non-binding conclusions. While the problem belonged to the Denver metropolitan area, the solution would ultimately be found in Western Colorado.

Around 1983, when the Roundtable formally began pointing toward Two Forks Reservoir as the answer to the metropolitan area's problem, Governor Lamm appointed a West Slope Advisory Council to the Roundtable. The proposed more than 1,000,000 acre-foot Denver area reservoir would be at the eastern end of the Roberts Tunnel which takes water from Dillon Reservoir; it would be filled almost exclusively by Western Colorado water.

It is important to note the reasons for the differential in compensation for transmountain diversions. The amount of compensation for the west slope has been the subject of a continuing debate: Should Western Colorado receive six acre-feet for each acre-foot diverted or one acre-foot, or a half, or a quarter or what? Municipalities were excluded from compensatory storage requirements soon after the initial deliberations. There is every reason to believe that the prevailing sentiment many years ago was that it was in everyone's interest for the Front Range cities to grow and flourish and that such would not amount to a major water demand. Conversely, it is reasonable to assume that if the thirst of Front Range cities could have been accurately gauged in those days, the provisions set forth would be far different than they are today.

Today, nearly 50 years since the Moffat Tunnel first delivered water to Denver, there is a new round of negotiations between east and west over how the interests of both can best be served. The difference is that these negotiations are taking place over a Colorado River system with a half-million acre-feet of water already plucked from its headwaters. The supplies of this great river have always been limited. Now they are substantially more deficient in relation to all probable demands for water. The question is how much more water can Western Colorado afford to see taken from its headwaters by transmountain diversion?
An adequate water supply is the single most important element to the future economy and quality of life in Western Colorado. If there is to be hardship because water supplies prove inadequate, then that hardship needs to be shared along with the water.

Therefore, Club 20, a 31-year-old Western Colorado association of counties, communities, industries and individuals urges the following:

1. That all negotiations, consideration and agreements on future transmountain water diversions from Western Colorado to Eastern Colorado municipalities, irrigators and all other water users include the requirement that at least one acre-foot of compensatory storage be provided for every acre-foot of water diverted from this region.

2. That the compensatory storage be paid for in full by the transmountain water diverters, but owned and controlled by the Colorado River Water Conservation District or the Southwestern Water Conservation District, the chief water policy agencies of Western Colorado.

3. That nothing in this statement shall limit the legitimate efforts of individual Western Colorado counties affected by transmountain water diversions to seek full consideration for other related damages.

4. That the Colorado River Water Conservation District and the Southwestern Water Conservation District are urged to adopt this statement and to do all within their power to aggressively implement this policy statement.

Separate, but related and equally critical, is consideration of the future use of power revenues from the Colorado River Storage Project. This issue began prior to the Colorado River Storage Project Act of 1956 and carried through the 1968 Colorado River Basin Project Act to the present. All Colorado projects listed in and between those acts are Western Colorado projects and the sum of those congressional acts represents a lawful congressional mandate, specifically to the Secretary of the Interior, to construct the Savery Pot Hook, Fruitland Mesa, Animas-La Plata, West Divide and San Miguel projects. These projects would have provided a total of approximately 700,000 acre-feet of storage for Western Colorado.

It is the position of Club 20 that any storage project revenues, surcharge or otherwise, that become available be utilized first to construct projects for the conservation and utilization of 700,000 acre-feet of water in Western Colorado: the equivalent of the San Miguel and Animas-La Plata projects at the discretion of the Southwestern Water Conservation District in cooperation with local conservancy districts within its boundaries and the balance at the discretion of the Colorado River Water Conservation District in cooperation with local conservancy districts within its boundaries. After that 30-year-old objective has been fulfilled, any remaining revenues should be equitably distributed on a statewide basis.

Lastly, it is important to note that this is one of the few times in Western Colorado water history in which more people must come forward. Throughout this region’s history, most of us, most of the time, have deferred to our experts and leaders in water, and justifiably so. However, specific events in the past have brought about the need for greater support and involvement. Such was the case in the 1930s when a settlement was reached on the Colorado Big Thompson and the critically important Senate Document No. 80, having to do with Green Mountain Reservoir, was hammered out. Such was the case in the 1950s when widespread support was needed to push the Colorado River Storage Project and participating projects through Congress. Such is the case now. Newspaper editors, bankers, homemakers, farmers, ranchers, real estate agents, motel owners, teachers, laborers and all others on the western slope who have a stake in the future water supply of this region — that’s everyone — should come forward now and insist on just compensation, a fair shake, for Western Colorado’s present and future.

Club 20, founded in 1953, is a Western Colorado coalition of counties, communities, industries and individuals dedicated to economic stability and orderly development through education, promotion and political action.

Club 20
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The following motion was unanimously adopted by the Board of Directors at the third regular quarterly meeting for 1984 on July 17, 1984.

Adopting the document "Colorado's East-West Water Negotiations" a statement adopted by Club 20, June 19, 1984, as the River District's policy and guide concerning Colorado's east-west water negotiations and instructing that the positions set forth in the statement be enforced to the fullest extent possible by the River District Board and staff in every instance, under all circumstances and in all arenas. The Statement is attached as Appendix "A".