

**WESTCAS  
2009 FALL CONFERENCE**

**COLORADO WATER USERS  
LEGISLATIVE & REGULATORY  
ISSUES**

**by  
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The logo for Water Consult features three stylized, parallel lines that curve downwards from left to right, resembling a mountain range or a stylized 'W'.

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# Colorado Water Users' Issues

- **S. 787 Clean Water Restoration Act**
- **EPA Water Transfer Rule**
- **Chemical Security Act**
- **Proposed Wilderness Designations**
- **Wild and Scenic River Designations**
- **Roadless Areas**
- **Endangered Species Act**
- **Colorado River Compact: The Bottom of the Bucket**

# Clean Water Restoration Act

- **S. 787**
- **H.R. 2421**
- **Greatly expands CWA jurisdiction re: both “waters” and “activities” affecting waters**
- **Discussions with Congress by western water users are ongoing**

# EPA Water Transfer Rule

- **“Administration may discard 2008 rule....”  
re: no permits required for interbasin  
transfers**

October 2009

# Chemical Security Act

- **H.R. 3258 – Water Security Act**
- **H.R. 2666 – CFAT**
- **Jurisdiction divided among:**
  - **EPA – Drinking Water**
  - **Homeland Security – Wastewater**
  - **Administration: EPA for both**

# Chemical Security Act (cont.)

- **Use of chlorine in the future?**
  - **Cost of conversion can be huge**
  
- **Cost of compliance**
  - **Smaller utilities**
  - **States**

# Wilderness Areas

- **900,000 acres proposed on west slope; DeGette bill**
- **Potential impacts on water development and management activities**
  - **Federal reserved rights**
  - **Dominguez Wilderness (2009), Colorado instream flow filing**

# Wild and Scenic River Designation

- **BLM Management Plans required to assess W&S Eligibility/Suitability**
- **Proposed designation covers mainstem of the Colorado River**

## Concerns:

- **Impact on water development and management activities through future federal permitting activities**
- **Federal reserved water rights**
- **Approximately 1 million acre-feet of existing completions to east slope and west slope**



# Roadless Areas

- **Discussion is ongoing in the state of Colorado**
- **Concern: access to existing reservoir sites and possible future sites for maintenance of water facilities**
- **Construction of future water facilities**

# Endangered Species Act

- **Colorado has come to terms with ESA**
- **Recovery Programs implemented in:**
  - **Platte River Basin**
  - **Upper Colorado River Basin**
  - **San Juan Basin**

# Endangered Species Act (cont.)

- **Recovery Programs**
  - **Provide ESA compliance for water projects**
  - **Operate in accordance with state law**
  - **No taking of water**
- **More than 2,000 water projects depleting 3.2 MAF have ESA compliance in the Upper Colorado and San Juan River Basin**
- **No lawsuits**

# **Colorado River Compact: Good to the Last Drop**

- **Colorado has about 300,000 to 500,000 acre-feet per year for compact development**
- **Projects being discussed**
  - **Green River Project – 175,000 acre-feet to front range for municipal purposes**
  - **Oil Shale Development: 200,000 acre-feet per year?**
- **Projects above may be speculative to one degree or another**
- **Bottom line: Colorado is considering how to determine and use its last increment of compact water**

# Colorado River Compact (cont.)

- **Many competing uses:**
  - **Energy development – west slope**
  - **Municipal water supplies – east slope**
  - **Municipal water supplies – west slope**
- **“First in time...” could preclude political decisions re: use of remaining supplies**