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