

## **Gunnison Basin Roundtable**

### **Comments on the Demand Management Framework**

As part of drought contingency planning in the Colorado River Basin, the Upper Division States have agreed to investigate the feasibility of developing and implementing a Demand Management Program. The Colorado Water Conservation Board (CWCB) appointed several workgroups composed of knowledgeable people to provide input to CWCB staff on elements of a potential Demand Management Program in Colorado with guidance from Support and Policy Statements issued by CWCB on November 15, 2018. Based on reports from the workgroups, CWCB's Demand Management Workgroup prepared a Demand Management Framework that states guiding principles and lists implementation options for six elements of feasibility. The Framework utilizes a "Building Block Concept" in which "Each implementation option for an element of feasibility can be thought of as a 'building block', a component of a program structure." Each element of feasibility suggests three options for implementation.

The CWCB has asked for input on the Demand Management Framework from stakeholders. In response, the Gunnison Basin Roundtable (Roundtable) offers the following comments on the Framework.

The primary goal of the Roundtable is to protect existing water uses in the Gunnison Basin. This goal reflects the agreement among Gunnison River Basin inhabitants that the existing water uses for agricultural, municipal, industrial, environmental, and recreational purposes throughout the Basin should be protected. Therefore, the Roundtable supports the guiding principles enumerated in the *Environmental Considerations* and the *Economic Impacts & Local Governments* sections of the Framework, which, if adhered to, would achieve the Roundtable's primary goal in a Demand Management Program.

Fundamental to Roundtable's primary goal is the preservation of the Basin's agricultural base. Agricultural water use in the basin provides substantial economic productivity and valuable open space that helps enhance the tourism industry. In addition, in some parts of the Basin agricultural diversions can attenuate heavy spring runoff and result in return flow patterns that bolster flows later in the season. The alluvial water table maintained by agriculture is also important to some municipal water supplies. The guiding principles in the *Ag Impacts* section, if implemented – particularly the "C" option - would serve to protect agriculture, but the Roundtable believes that methods for reducing consumptive use must be based on sound science and locally developed and managed to assure that they are appropriate for local conditions. More work is needed to identify funding sources for the implementation of option C.

The Roundtable supports the principle of a Program that is "equitable & proportional across [the] state", but the Framework fails to explain how that principle can be implemented in a Program that is voluntary. How can proportionality be assured if there are no volunteers in a basin?

The Roundtable supports the principle of a “structured & guided market” but the Framework must go further and set out specific guardrails to assure that the Program is not structured to encourage or permit speculation or bidding wars, and to prohibit acquisition of West Slope water rights by Front Range municipalities or others as a means to participate in the Program.

Even though transmountain diversions are defined as consumptive use in the Demand Management Storage Agreement, the Roundtable believes that transmountain diverters must demonstrate reduced consumptive use in the basin of use, not just reduced diversions.

The glaring deficiencies of the Framework are the failure to address the source of funding for a Demand Management Program or suggest solutions to the significant legal obstacles to its implementation. The Framework reflects a lot of effort by the work group, but until these two issues are tackled it will be impossible to determine the feasibility of a Program.

While not directly related to the Framework, the Roundtable believes that, while the right to appropriate water is guaranteed in our Constitution, new development that increases consumptive use of Colorado River water is incompatible with a Demand Management Program and would defeat its purpose. In addition, pursuing reduced consumptive use in the Upper Basin should be matched by a permanent solution to the “structural deficit” in the Lower Basin.