

Colorado Legislative Council
Water Resources Review Committee
October 1, 2014

Thank you for this chance to comment on the Draft State Water Plan.

Our water rights system was set up before Colorado was a state, and has held up fairly well over time. It does not, however, guarantee each person, at a minimum, water to drink, cook and bathe. Nor does it provide water for protection of the environment. Our water rights system needs some modification.

As you know, more water is allocated than is usually available. Damaging over-utilization of Colorado's rivers is common. The Draft Plan states that we will provide water to protect the environment. Yet there is no estimate of current or future environmental needs in the Plan similar to those shown for future human needs.

We must quantify the water our rivers and riparian ecosystems need, and the necessary timing of flows. Individual rivers, like everything else, may have to be somewhat compromised when conditions are extreme. But this should not be a chronic condition. Once environmental needs are quantified, a reliable way must be found to obtain and fund rights for this needed water.

I commend the Legislature for passing SB 23 last spring. It was a positive, innovative step. SB 23 would have allowed agricultural water right holders who found ways to be more water efficient to voluntarily transfer some of their right to the CWCB for increasing in-stream flows to protect rivers in certain situations. The bill was vetoed. But by passing it, the Legislature demonstrated its understanding of the damage caused by over-utilization of our river water.

Efficiency as a source of water is included in the Draft Plan, but may be greatly underestimated. One innovative method some communities are embracing for other reasons, is city-wide composting instead of water-dependent, sink grinding of kitchen waste. Waterless toilets may result in significant water savings in the future. But even without such innovations, savings are possible.

Denver Water has successfully worked for years to reduce per capita water use. In 2013, after a long period of drought, they asked customers to further reduce water use. People cut back so much, that Denver Water had to ask them to buy and use a little more water so Denver Water could afford to pay its bills. This episode makes me believe that even in water-wise Denver, the average person could still cut water use significantly if they realized how important it is for the future of Colorado.

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The time to engage people in reducing their water use is today, tomorrow, and the next day rather than primarily during a drought. All water providers, urban, suburban and rural, must develop both the belief that they can help their customers use far less water and the will to do so.

I'll make three more suggestions:

1. Change the law that makes farmers use all their water right for the awarded use or lose it. Make it so they can lease out their water. Somehow, the most basic human and environmental needs should be met before leasing is allowed for other uses, particularly new uses.
2. Consider all other means of getting water before making more trans-basin diversions. They damage the basins from which water is taken. They increase the likelihood of occasional severe flooding in the basin to which water goes. And they are expensive.
3. Fracking water must be recycled over and over and over. Both carrots and sticks should be applied. Recycling would reduce both fresh water demands and the problems of disposal.

The State Water Plan seems to be evolving on schedule, but there is more work to be done by basin roundtables, the IBCC and the Legislature.

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