



Interbasin Compact Process Overview

Introduction

The dialogue on water in Colorado has changed. The Colorado Water for the 21st Century Act creates a collaborative process which establishes structure to deal with how the state addresses its water challenges.

Historical water use patterns have caught up with our choices of where we live and work. Increasingly communities have outgrown available water supplies. This predicament was created over time and will become more dramatic as Colorado's population grows and its water uses and needs change. To correct this problem by moving water from place to place without regard for the communities, economies, and the environment does not recognize the value and importance of water in all parts of Colorado. Water is moved from basin to basin and sub-basin to sub-basin in every corner of the state. In the past, and far too often, the movement of water has been viewed as creating winners and losers. This need not be the case. There is absolutely no question that compromise will be necessary to accommodate the many competing water uses in Colorado—but it does not mean that we are dealing with a zero sum proposition.

This is the backdrop behind the collaborative initiative created by the Colorado Water for the 21st Century Act. This Interbasin Compact process is based upon the premise that Coloradans must work together to address the water needs within our entire state. In order to foster this, the Colorado Water for the 21st Century Act creates a framework that changes the dialogue on water throughout Colorado, broadens the range of stakeholders that will actively participate in the state's water decisions, and creates a locally driven process where the decision-making power is exactly where it should be – in the hands of those living throughout the state's river basins.

Colorado Water for the 21st Century Act Provisions

The Colorado Water for the 21st Century Act sets up a framework that provides a permanent forum for broad-based water discussions. It creates two new structures: 1. The *Interbasin Compact Committee*, a state-wide committee that will address issues between basins; and 2. The *Basin Roundtables*.

Basin Roundtables

Nine separate roundtables are established for each of the state's major river basins, and a "Metro Roundtable" for the Denver metropolitan area. (see map)



The nine Roundtables are:

- The South Platte Basin
- The Arkansas Basin
- The Rio Grande Basin
- The Gunnison Basin
- The Colorado Basin
- North Platte
- The Yampa/White
- The Metro
- The Dolores, San Miguel, and San Juan Basins

Roundtable Membership

These Basin Roundtables are permanent structures setup to facilitate discussions on water management issues and to encourage locally driven collaborative solutions. The broad-based, collaborative nature of this process is reflected in the roundtable membership. The roundtables are made up of a set of “designated members,” ten “at-large” members, and three non-voting members (see Figure One).

Figure One: Roundtable Membership

Designated Members
One member appointed by each <i>county</i> within the roundtable’s boundaries
One member appointed jointly by all the <i>municipalities</i> within any county in the roundtable’s boundaries
One member appointed by each water conservancy and water conservation <i>districts</i> within the roundtable’s boundaries
One member appointed jointly by the chairpersons of the Colorado <i>House and Senate Ag. Committees</i>
10 At-Large Members (appointed by the designated members in consultation with the Director of compact negotiations)
One representing <i>agricultural</i> interests
One representing <i>recreational</i> interests
One representing local, domestic <i>water providers</i>
One representing <i>industrial</i> interests
One representing <i>environmental</i> interests – Selected from eligible candidates representing established Colorado environmental organizations
At least five of the ten at-large roundtable members must own water rights or have a contract for federal water
Non-Voting Members (appointed by the full roundtable membership)
Three non-voting members who must own water rights or have a contract for federal water to represent out-of-basin water interests within the roundtable’s boundaries
--Or--
If no one qualifies, representatives that have interests in and are knowledgeable about water matters
Colorado Water Conservation Board
The CWCB member from the basin will serve as the liaison between the roundtable and the CWCB.

This roundtable membership not only broadens the range of stakeholders that will actively participate in Colorado’s future water decisions, but it creates a locally driven process. Of all the roundtable members, only the non-voting members may reside outside the roundtable’s



boundaries. All other roundtable members must be local stakeholders residing within the basin.

While the number of roundtable members differs among the roundtables and in some cases may be quite large, this membership formula is designed to ensure that all stakeholders and the general public are fully represented.

Roundtable Responsibilities

The responsibilities of the basin roundtables can be grouped into three categories: procedural responsibilities, substantive responsibilities, and public involvement responsibilities.

Procedural

Each roundtable must adopt by-laws that include the roundtable's goals, objectives, and operating procedures. These bylaws will reflect the specific needs of the roundtable and reflect the uniqueness of each basin. In conjunction with adopting by-laws, each roundtable may also decide upon leadership positions. Suggestions for these positions include a chairperson, 2 vice-chairpersons, and a recording secretary.

Substantive

Once the procedural responsibilities are completed, the roundtable's substantive work can begin. Each roundtable has the power to select two members of the Interbasin Compact Committee, and the appointees do not need to be members of the roundtable.

The most extensive substantive responsibility is to develop a basin-wide water needs assessment. This is to be performed in cooperation with local governments, area water providers, and other stakeholders. The needs assessment will:

- Look at both consumptive and nonconsumptive needs,
- Analyze the availability of water supplies including unappropriated waters within the basin, and
- Propose projects or non-structural methods for meeting water supply needs and utilizing unappropriated waters where appropriate.

Any proposed projects or methods that result from this needs assessment will be forwarded to the Interbasin Compact Committee for consideration. Any compact coming out of the IBCC will be submitted to all affected roundtables for their ratification.

The many localized examples of cooperation on water indicate that as better relationships are fostered through these basin roundtables, practical and innovative solutions to Colorado's water problems can emerge. In addition to goodwill and trust between the participants, the success of the roundtables will require a strong base of information. The Statewide Water Supply Initiative (SWSI) has provided a wealth of important information, and the data can be used by the



roundtables in completing their water needs assessment and in considering alternatives to meet any identified needs. SWSI creates a scientific standard from which the roundtables can accomplish their work, and as SWSI continues to add new information, the data will be provided to all the roundtables to help ensure that they are making rational decisions based upon the best available information.

In order to assist the roundtables with their basin-wide water needs assessments, the IBCC has established a needs assessment working group. The purpose of this working group is to encourage development of a common technical platform, and provide coordination and resources for the roundtables.

Public Involvement

Equally important to the selecting members of the Interbasin Compact Committee and developing a basin-wide water needs assessment, the roundtables will serve as a forum for public involvement. The roundtable activities are required by law to be open, public meetings. In addition, roundtables may develop a process that will involve the public as the needs assessment is conducted and as alternative proposals for meeting water needs of the basin are considered. The roundtable process will create and expanded foundation for public involvement.

Interbasin Compact Committee (IBCC)

The other structure created by the Colorado Water for the 21st Century Act is the Interbasin Compact Committee. This is a 27-member committee established to facilitate conversations between basins and to address statewide issues. The IBCC is build out of the basin roundtables and will bring the issues of each roundtable to a statewide forum.

IBCC Membership

The IBCC will be made up of:

- Two members appointed by each of the nine roundtables;
- Six members appointed by the Governor, who must come from “geographically diverse parts of the state” and have expertise in environmental, recreational, local governmental, industrial, and agricultural matters;
- One member appointed by the chairperson of the Senate Ag. Committee;
- One member appointed by the chairperson of the House Ag. Committee and the Director of Compact Negotiations, who will chair the IBCC.

IBCC Responsibilities

The Colorado Water for the 21st Century Act gives the Interbasin Compact Committee a series of responsibilities. These include establishing by-laws, developing a charter, and creating a Public Education and Outreach Working Group (see Figure Two).



Figure Two: Interbasin Compact Committee’s Initial Responsibilities

By-Laws – The IBCC has established by-laws to govern its operations and actions, including a required provision addressing how roundtables that opt out of the process may return to the process.

Charter – On April 5, 2006 the IBCC adopted a Charter to “govern and guide compact negotiations between roundtables.” The Charter was approved by the Colorado General Assembly through HB06-1400. The Charter includes:

- The roles of the IBCC including a directive to help develop a common vision for statewide water negotiations through the discussion and dissemination of information to the roundtables. The IBCC is also charged with encouraging the development of a common technical platform in order to guide the process of negotiating interbasin compacts.
- A framework and principles to guide negotiations between roundtables, including policies to ensure that individual compacts do not conflict with one another;
- Procedures for ratification of compacts, including a mandatory provision that every affected roundtable must approve the draft compact;
- Authorities and procedures to ensure that approved compacts are legally binding and enforceable; and
- Procedures for integrating the Interbasin Compact processes with other water planning and development processes, except that no provision may supersede, impair, or modify any local government’s “authority, jurisdiction, or permitting powers.”

Public Education and Outreach – The IBCC, in accordance with the Colorado Water for the 21st Century Act, has developed a public education and outreach working group. This group will create a process to inform, involve, and educate the public on the IBCC’s activities and progress of the interbasin compact negotiations, and create a mechanism by which public input and feedback can be relayed to the Interbasin Compact Committee and compact negotiators.

Criteria and Guidelines Pertaining to SB06-179- The Water Supply Reserve Account created by SB06-179 provides \$10 million annually for four years (total of \$40 million) to be invested in water activities. The IBCC is currently working closely with the Office of Interbasin Compact Negotiations and the Colorado Water Conservation Board to develop criteria and guidelines that will provide a framework for the allocation of monies provided for in SB06-179.



Conclusion

The Interbasin Compact process created by the Colorado Water for the 21st Century Act is a new approach to managing water in Colorado. As with anything new, this process will certainly encounter challenges. It will no doubt be cumbersome at first. Asking so many participants with such varied interests to come to the table together is daunting. It is hoped, however, that citizens will work together in a cooperative and collaborative manner to address the state's water challenges. There is no way to predict the results of this process, but it is certain that this approach today will benefit Colorado for generations to come.