



October 12, 2023

Dear Task Force members,

Thank you for your continued commitment to the Colorado River Drought Mitigation Task Force. The issues being discussed are extremely important to Colorado's farmers and ranchers and we appreciate the continued dialog.

We have listened with great interest to the discussions thus far. To date, while the topics brought forth are important, the tools that have been identified to address interstate needs do not address the internal challenges facing Colorado if there is future shortage in the system. While we support the emphasis on ensuring that the Lower Basin states address chronic overuse and properly account for losses to the system, we also support consideration of pro-active measures that could reduce impacts to Colorado's water users in the event of non-compliance. There are significant issues associated with potential curtailment. Given the short time frame for discussions through this Task Force forum, it is unlikely that solutions can be identified and fully vetted for possible implementation, however, it is appropriate to lay the groundwork for ongoing discussions for dealing with non-compliance to support and protect agriculture.

We have identified some topics for consideration that we believe need solutions:

- Establishment of the curtailment triggers or threshold.
- Defining the SEO's authority in the event curtailment is required.
- Identifying options for curtailment including strict administration vs. selective administration.
- Identifying strategies for beneficial uses (other than agricultural use) junior to the compact
- Identifying strategies to ensure regional equity.
- Identifying strategies to ensure that one type of water use does not bear the full burden to meet curtailment requirements.
- Specify how curtailment will be voluntary, temporary, and compensated.
- Identify sustainable sources of funding to ensure curtailment of water rights are fairly compensated.

The work of the Task Force thus far has resulted in some possible actions that warrant further discussion. We believe that predictive modeling and defining curtailment thresholds make sense. We believe that part of this should be to quantify tribal rights and build those into predictive modeling. Also, of great importance is making sure that any conserved water is properly accounted for, and proper credit is given to Colorado and the other the Upper Basin states. The concept of shepherding water for this purpose should be on the table, with language providing strong protection against injury included. This could include qualifying compact use/compliance as a beneficial use; however, careful consideration must be given to ensure that such action does not create any unintended consequences for compliance with other interstate compacts. We strongly oppose the state acquiring water rights. We believe the proper role for the state is to ensure fairness, regional equity, and protection against injury.



The role of Colorado's Upper Basin Commissioner will be important but also important is proper communication between the Commissioner and water users in Colorado.

As a reminder, here are the guiding principles our coalition has offered to the Task Force:

**Guiding Principles:**

- Do no harm. Any proposal must protect private property rights and should protect the ability of the agriculture community to continue production in a profitable way.
- Avoid creating disparity amongst ag producers. West Slope and Front Range ag producers rely on Colorado River water and should not be unfairly curtailed in the event of non-compliance.
- Plan for future curtailment – use this time to devise a strategy that will minimize impacts to ag producers if curtailment actions are required.
- Fight for fairness – no one region or type of water use that is junior to the compact should get a pass in the event of noncompliance - ag shouldn't carry the whole burden.
- Don't set new precedent that would negatively impact non-Colorado River basin ag producers.
- Make sure that if consumptive use water is conserved that Colorado gets credit for the savings.
- All consumptive use conserved by ag producers must be adequately compensated.
- Demand management arrangements must be voluntary.
- Any conserved water must be used for compact needs and should not be redirected for other beneficial uses.
- The threat of noncompliance should not be used to move water out of agriculture for non-compact needs.
- Oppose state ownership of water rights for compact compliance purposes.
- Any permanent transfer of water out of agriculture should be approved by the water court.
- Ensure that acquisition of ag water does not cause injury to other ag users.

Our coalition stands ready to be a resource to you as you continue these very important discussions.

Sincerely,

Colorado Farm Bureau  
Colorado Cattlemen's Association  
Colorado Livestock Association  
Rocky Mountain Farmer's Union

Cc:

Commissioner Becky Mitchell  
Attorney General Phil Weiser  
Lauren Ris  
Kevin Rein  
Senator Dylan Roberts  
Senator Perry Will  
Speaker of the House Julie McCluskie  
Representative Marc Catlin