



Dolores Water Conservancy District

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Chair Kathy Chandler-Henry
Colorado River Drought Task Force

Dear Chair Chandler-Henry

We appreciate all the hard work that the Task Force has put into seeking potential Colorado solutions to current drought challenges. We especially appreciate that the Task Force has identified “do no harm” early and has kept it fore front throughout the analysis. We have also appreciated the focus on solutions designed to mitigate the impact of drought on Colorado water users foremost and on items that will have real measurable impacts like potential agricultural system conservation. We think supporting Colorado’s existing water users is very important.

In regards to Industrial Water Rights (Item J) that may be needed in the future, but are being idled due to other legislative mandates, we understand the goal to protect these rights pending changes in power markets. We agreed with Task Force comments to avoid creating new “super water rights” and would look to existing tools as much as possible to protect all current water users in Colorado. If in the case of industrial users on the Yampa there is a need for an exception it should be narrowly construed to avoid unintended consequences, potentially via the suggested basin specific pilot program.

We also have concerns with setting up a Conserved Consumptive Use system (Item U) at this time. Any upper basin conserved consumptive use which is not needed by junior Colorado water users already accrues to Lake Powell. Accordingly, Colorado should be focused on appropriate use of Powell releases within the context of the 2026 renegotiation of the 2007 Interim Guidelines and not prematurely developing a mechanism to deliver Colorado water out-of-state that doesn’t fix the key problem of Lower Basin overuse. Colorado ought not to develop solutions for problems not of its making. Moreover, the State of Colorado ought not supplant the expert judgment of the UCRC as it evaluates the initiation of any potential demand management programs. Colorado is currently in compliance with the Colorado River Compact and there is simply no need to develop a tool to solve a problem that does not exist.

Likewise, the Water Shepherding proposal (Item P), again presents a solution in search of a problem. The comments by SWCD are well placed in that compact compliance remains within the State Engineer's purview, but a new rule making process is premature. We certainly would seek to protect existing water users from unintended consequences of new rules that are not yet needed.

Lastly, we are leery of any one size fits all approach to address localized drought conditions. Individual water basins have unique issues due to geographic and historic reasons. Avoiding state-wide legislation that might hinder our creative local response to balance supply and demand with existing legal tools should be evaluated first. Statewide legislation may be inappropriate to fix and even hinder local solutions to local problems.

Again, we appreciate the fast-paced effort the whole Task Force has put forth to meet the Legislative call to action. Additional work may be needed through existing or new water groups. Please look to fully promote existing authorities before creating whole new legislation. Unfortunately, some actions cannot at this time be fully laid out as interstate negotiations remain ongoing while the Upper Basin remains within compliance with our Colorado River Compact obligations. Acting too early has more chance of unintended consequences and violating your do no harm objective. Let's push forth on existing authorities with minor tweaks to further our use of Colorado's water resource without hard wiring in negative unintended consequences.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Curtis III".

Kenneth W. Curtis III
DWCD General Manager

Cc: Letisha Yazzie, UMUT
Lisa Yellow Eagle, SUT
Gerald Koppenhafer, Montezuma County, MVIC
Steve Wolff, SWCD