



General Assembly State of Colorado Denver

August 24, 2023

To the members of the Colorado River Drought Task Force:

We write to thank you for your service on the Colorado River Drought Task Force. We appreciate your time and commitment to this topic and your service to the State of Colorado.

The Colorado River is arguably the single most important natural resource to the state of Colorado and more than 40 million people throughout the American Southwest that depend on its waters. Here at home, our namesake river drives growing economies on both sides of the Continental Divide, it provides food and fiber to the nation, and it underpins Colorado's world-renowned outdoor recreation economy.

Unfortunately, Colorado's Western Slope and the entire Colorado River Basin continue to suffer from the effects of multi-decadal drought and increasing temperatures. The Colorado River Basin has experienced some of the worst drought conditions in recorded history over the last 23 years, and solid science suggests that we should be prepared for continued drought conditions in the years to come.

There is no debate that prolonged drought and a changing climate present meaningful and unacceptable risks to our water security and our way of life in Colorado. The future of the Colorado River and those who depend on it, is in our hands. Coloradans are demanding that we proactively address the uncertain future that lies ahead of us. That is why SB23-295 was drafted and subsequently passed by the Colorado Senate with a vote of 35-0 and the Colorado House with a vote of 63-2.

This bipartisan and soundly supported legislation clearly defines the goals to be addressed in any programmatic recommendations made by the Task Force, these include:

- Proactively addressing climate-driven drought impacts on the Colorado River and its tributaries;
- Avoiding disproportionate economic and environmental impacts to any one region of the state;
- Ensuring the acquisition of any agricultural water rights will be voluntary, temporary, and compensated;
- Assuring meaningful collaboration among the Colorado River Water Conservation District, Southwestern Water Conservation District, and the State of Colorado in the design and implementation of demand reduction projects and the voluntary and compensated conservation of the waters of the Colorado River and its tributaries;
- Providing the State Engineer the authority to administer water generated by the program(s) for recreational and environmental benefits so long as it does not minimize the primary purpose of the program which is to reduce or mitigate interstate commitments related to the Colorado River and its tributaries;
- Evaluating sources of revenue for the acquisition of program water.
- Acknowledging Tribal water rights and usage through a thorough and thoughtful examination of programs which should adequately address the needs of the Ute Mountain Ute Tribe and the Southern Ute Tribe.

As the Task Force enters its next phase of meetings which are intended to be substantive and productive, we write to urge the members to keep the future in mind. The intent of creating the Task Force was not just simply to review previous efforts nor to summarize the current state of matters in the Colorado River Basin. While knowing where we have been and where we are is important for future planning, the Task Force is for tough conversations, talking about *all* potential ideas, and ultimately, proactive leadership.

As we drafted the legislation we tried to strike a balance between providing a strong directive to you all and in allowing room for creativity and collaboration. As such, some have asked for clarity on the specifics we hope to see from this effort. While we do not have a predetermined outcome for this effort, we do hope to see concrete recommendations about how we in the legislature can and should act to complement the work happening at the local and state level. That could be identifying new programs or legal tools, recommendations for how funding could be utilized and what funding needs are, changes to existing tools and programs which may need more flexibility as we face steeper challenges. We welcome the recommendations and feedback from this group and other stakeholders as we consider what action the legislature may need to take.

We also write to fully recognize that Colorado is not alone in the challenges of the Colorado River Basin and we agree that Colorado is not to blame for current shortages. However, Colorado's water users have been impacted by climate-driven drought and for the past twenty-three years have been regularly experiencing shortages and significant cuts to their water supplies. It must also be stated that the political reality of interstate negotiations in the coming years could result in Colorado bearing a significant burden - which would bring immense challenges and sacrifice within our state lines. We encourage you to look at the other Upper Basin states who have already taken legislative action to prepare for a hotter, drier future and are having these tough conversations about future state action. For example, earlier this year Utah's Legislature passed [SB23-144](#) and [SB23-277](#) while New Mexico allocated historical amounts of funding in support of its state's Strategic Water Reserve.

We do not agree with, and we strongly urge the Task Force to reject the premise that conversations about and ideas to plan for a challenging future weaken our state's position in the forthcoming negotiations for the operations of Lakes Mead and Powell. In fact, we believe the opposite: preparing for the future and implementing tools that could strengthen our resilience in the event of worst-case-scenarios only improves our position and, frankly, is necessary to protect those who could be hurt the most: Colorado's agriculture industry, outdoor recreation economies, Western Slope communities, and our environment. To this point, we were encouraged by Colorado River Commissioner Becky Mitchell's comments to the Water Resources and Agriculture Review Committee on August 23, 2023 when she clearly advocated for giving Coloradans "more tools" to combat drought, conserve more water within our state lines, and protect agricultural and environmental interests, now.

Of course, nothing recommended by the Task Force will automatically change policy, nor become law; that is the purview of the Colorado General Assembly. We hope that reality gives you all the freedom and comfort to be bold in your ideas and conversations. However, in a time when our constituents are demanding action and looking to all of us for leadership, legislative action in 2024 is near certain. We would greatly value using the Task Force's work and agreement as a foundation of our legislative work and thus urge all of you to strongly grapple with a multitude of ideas from demand management, non-functional turf restrictions, beneficial use, crop efficiency, and much more and then strive to seek consensus where it is achievable. You should also keep in mind that we fully appreciate the fact that Lower Basin states should also do their part *before* we agree to certain solutions here in Colorado. However, we do not feel there is any harm and that, in fact, there is immense benefit in having policies ready for every possible future scenario. If ideas are rejected, that is fine and expected, but failure to use the forum of the Task Force to explore every possible solution in a public forum would be a missed opportunity and deeply disappointing to the Coloradans we collectively represent.

Colorado water users have a history of overcoming self-interests and working collaboratively to put the interest of Colorado before their own. This moment and your agreement to serve on the Task Force requires you to leave nothing unspoken and nothing unconsidered. We respectfully, and in partnership in this effort, urge you to think of the future and do whatever you can to help us protect the Colorado water we cherish and rely on for our way of life.

Thank you for your service on the Task Force and to the people of our great state.

Sincerely,



Speaker Julie McCluskie



Senator Dylan Roberts



Senator Perry Will



Representative Marc Catlin

CC:

Senate President Steve Fenberg
Senate Majority Leader Dominick Moreno
Senate Minority Leader Paul Lundeen
House Majority Leader Monica Duran
House Minority Leader Mike Lynch
Commissioner Greg Felt, Chair, Colorado Water Conservation Board
Commissioner Becky Mitchell, Upper Colorado River Commission
Executive Director Dan Gibbs, Department of Natural Resources
Director Lauren Ris, Colorado Water Conservation Board