



2023 COLORADO WATER CONGRESS SUMMER CONFERENCE AND MEMBERSHIP MEETING

August 22 to 24

TUESDAY, AUGUST 22

PRE-CONFERENCE WORKSHOPS

All Workshops are from 9:00 to 11:30

Stream Restoration, Water Quality, & Water Rights Workshop The Confluence of River Science and Water Law Implications of the Sackett Decision

Korbel Ballroom I

Co-Moderators: Kelly Romero-Heaney (Colorado DNR) and Gabe Racz (Vranesh and Raisch)

Stream restoration is an important tool in improving water quality, restoring habitat, and mitigating the impacts of drought, fire, or floods. With the passage of Senate Bill 23-270, Minor Stream Restoration Activities, such as bank stabilization, erosion control on ephemeral streams, daylighting channels, and post-fire and flood recovery, are presumed to cause no injury to downstream water rights. Projects aimed at restoring the natural processes of a stream by reconnecting stream channels with their floodplains or by mimicking beaver activity face a less certain path, given their potential to reduce the efficiency at which water flows to downstream water rights. A workable and durable policy solution that allows process-based restoration to continue in Colorado with sufficient limits and guidelines to protect water rights will require many more thoughtful conversations amongst the water community. Water Congress is the perfect venue for those conversations.

Panel #1 will explore the water quality benefits generated by stream restoration projects in Colorado.

Speakers: Alex Johnson (Virridy)

Bernadette Kuhn (City of Fort Collins)

April Long (City of Aspen)

Panel #2 will consider the tension between stream restoration projects and water rights interests. Panelists will include four water district managers that are on the upstream and downstream ends of the issue:

Speakers: Jim Yahn (North Sterling Irrigation District)

Sean Chambers (City of Greeley)

Sean Cronin (St. Vrain & Left Hand Water Conservancy District)

Sonja Chavez (Upper Gunnison Water Conservancy District)

Panel #3 will discuss the recent ruling in the Sackett v. EPA case holding that the Clean Water Act extends only to wetlands that have a continuous surface connection with relatively permanent waters, and the State of Colorado response to this holding.

Speakers: Carrie Noteboom (Office of the Colorado Attorney General)

Gabe Racz (Vranesh and Raisch)

The South Platte and Republican River Compacts State of Compliance

Korbel Ballroom II

Co-Moderators: Jennifer Gimbel (Co Water Center) and Scott Steinbrecher (Colorado Attorney General's Office)

Republican River Compact

Speakers: Deb Daniel (Republican River Water Conservancy District)

Steve Kramer (Republican River Water Conservancy District)

Greg Larson (Republican River Water Conservancy District)

Rod Lenz (Republican River Water Conservancy District)

David Robbins (Hill and Robbins)
Scott Steinbrecher (Office of the Colorado Attorney General)

Following the drought of the 1930's and a devastating flood in the basin in 1935, the Republican River Compact (1943) was negotiated to pave the way for a system of six irrigation districts and two dams. Subsequent groundwater development is at the heart of the controversy between the states of Kansas and Nebraska in recent decades. We will cover the history of the Basin, the compact, Compact Compliance Rules, the status of Colorado's compact obligations, current events and developments in administration, and South Fork Focus Zone channel improvements.

South Platte River Compact

Speakers: Joe Frank (Lower South Platte Water Conservancy District)
Scott Steinbrecher (Office of the Colorado Attorney General)

2023 is the 100th anniversary of the South Platte Compact between Colorado and Nebraska. We will cover a summary of the Compact, the obligations of each State, the administration of water rights in Colorado under the Compact, and, of course, Nebraska's proposal – the Perkins County Canal.

One Water Workshop **Holistic Water Management Through a One Water Ethic** **Korbel Ballroom III**

Co-Moderators: Greg Fisher (Denver Water), Russ Sands and Jenna Battson (CWCB), Jocelyn Hittle (CSU Spur)

The Colorado Water Plan mentions "holistic water management" several times – often in conjunction with One Water. The CWP defines One Water as the nexus between water conservation, land use planning, and alternative water supplies (including reuse). Panelists will discuss all three areas, where they overlap, and move across scales. What can realistically happen at State, regional, and local levels? When is community/neighborhood buy-in needed at smaller scales? We will strive to develop a common understanding of what the term One Water means and how it might be applied. The desired outcome is to provide collaborative strategies to work effectively together.

Panelists: Laura Belanger (Western Resource Advocates)
John Rehring (Carollo Engineers)
Bao Congtoug (Mile High Flood District)
Marjo Curgus (Del Corazon Consulting)
Tim York (Aurora Water)
Cincere Eades (Denver Parks and Recreation)

The State and Division Engineers **Water Court Participation and Development of Rules/Documents Guiding Actions of Engineers**

Sponsored by the Colorado Bar Association, Water Law Section

Burgess Creek

Moderator: Chris Geiger (Balcomb & Green)

Speakers: Tracy Kosloff (Colorado Division of Water Resources)
Philip Lopez (Fairfield and Woods, P.C.)
Lee Miller (Southeastern Colorado Water Conservancy District)
Joe Norris (Cockrel Ela Glesne Greher & Ruhland, P.C.)
Kevin Rein (Colorado State Engineer)
Sheela Stack (Nazarene Stack & Wombacher LLC)

The Water Law Section of the Colorado Bar Association will host a discussion concerning the role of the State Engineer and Division Engineers in water court, Rulemaking, and the Engineers' development of guidance documents. This workshop will cover a variety of perspectives and issues, including reflection on results from a poll distributed to the Water Law Section prior to the workshop.

CWC SUMMER CONFERENCE PROGRAM

All sessions in the Korbel Grand Ballroom unless otherwise indicated. Times are subject to change.

12:00-1:45 **BBQ Lunch**
Sponsored by Ute Water Conservancy District
Tent

1:50-2:45 **Opening Session**
Conference Welcome
Travis Smith, CWC President

Overview of POND Activities

The Rural West
Who's My Neighbor?
Patty Limerick, Professor of History of the American West

If you wanted to identify the qualities that distinguish neighborhoods shaped by trust and congeniality from neighborhoods shaped by suspicion and tension, how would you proceed?

You'd monitor and measure the fluctuations in the supply of curiosity and empathy.

Arriving in Colorado in 1984, Patty Limerick has had a world-class opportunity to observe those fluctuations. More recently, support provided by the Andrew W. Mellon Foundation has positioned Limerick to coach young historians who want to put their professional skills to work in the distinctive version of public service called *Applied History*. Many of the understandings and insights that she offers to the young folks rest on the foundation of the nearly forty years she has spent in the company of practitioners in the arena of water allocation and management. In this keynote address, Limerick will bring those two lines of activity together, using historical perspective to connect sites of production with sites of consumption, to choose neighborliness over division, and to correct the disruption of the supply chain, delivering empathy and curiosity.

- *The people who lived and died*
- *Left legacies no one can hide.*
- *It would be more than berserk*
- *Not to build on their work,*
- *Thus History must be Applied.*

2:45-3:00 **Session 2**
Introducing the New Colorado Water Conservation Board Director
Dan Gibbs, Colorado Dept. of Natural Resources Executive Director
Greg Felt, Colorado Water Conservation Board Chair

3:00-4:15 **Session 3**
Hey! We Found Our Neighbors and Here's What Some of Them Think
Co-Moderators: Christine Arbogast (Kogovsek and Associates) and New CWCB Director
Speakers: Mark Rude (Southwest Kansas Groundwater Management District No. 3)
Vanessa Silke (Nebraska Water Resources Association)
Gene Shawcroft (Central Utah Conservancy District)
Jonathan Bowler (Savery-Little Snake River Water Conservancy District (Wyoming))
Gary Esslinger, (Elephant Butte Irrigation District (New Mexico))

No Western state operates on a water island. We are naturally connected by the resources which flow across our boundaries. There are interstate compacts which legally bind us as partners. But we also have a community of interest which requires us to collaborate and to coalesce. This multi-State panel will discuss that.

4:15–5:00

Session 4

The Member's Voice

Moderator: Lisa Darling (South Metro Water Supply Authority)

Speakers: Members of the CWC Board Policy and Advocacy Committee

Just like there are differences of opinion on water matters among States, we can find those differences among CWC members. No matter your perspective or point of view, it takes trust, collaboration, and cooperation from those involved to find a compromise. A panel of our members will talk through some of this year's more complex issues.

5:00–8:00

POND Reception

Co-Sponsored by Molson Coors Beverage Company

Tent

Drinks and light snacks will be provided.

5:30–7:30

Gathering at the Mountain Tap

Sponsored by Colorado Water Trust and Water Education Colorado

WEDNESDAY, AUGUST 23

7:00–8:45

Pastries, Coffee, and Conversation

Just need a light breakfast? Stop by the Tent for a continental breakfast and a mug of coffee. Chat with your colleagues on issues of the day.

7:30–8:45

Session 5

Morning Farm Report

Focus on the Farm Bill

Moderator/Speaker: Dale Nellor (NWRA)

Speakers: Grant Colvin (GWC Public Affairs)

Senator Cleave Simpson

National Water Resources Association Executive Vice President Dale Nellor will give us a tour of his recent travels through NWRA country and the important issues that NWRA is working on and tracking including the Farm Bill.

Presenter Grant Colvin (former staff for Senator Bennet and U.S. Senate Ag Committee) will discuss the prospects for the Farm Bill and its many programs including watershed health, the Conservation Title (PL 566, Conservation Reserve Enhancement Program. Senator Simpson will discuss how CREP works and give a forthright look from the producer's point of view.

8:45–9:00

Break

9:00–9:30

Session 6

Addressing Our Water Management Challenges Through Statewide Collaboration

Moderator: Colorado Attorney General Phil Weiser

Speakers: Colorado State Senator Cleave Simpson and Fort Collins Mayor Jeni Arndt

Colorado Attorney General Phil Weiser, Fort Collins Mayor Jeni Arndt, and Colorado State Senator Cleave Simpson will discuss the important role that collaboration plays in addressing our water management challenges. In particular, they will discuss the importance of building trusted relationships between water users and communities in our states, as well as with other states, the federal government, and tribes. Recognizing that the risk that water scarcity can increase tensions between all of us, Attorney General Weiser, Mayor Arndt, and Senator Simpson will examine the importance of collaborative problem-solving, the core values of the Colorado Water Plan, and the risks we face if we allow regional, occupational, or political differences to divide us.

9:30-10:30	Session 7 Water Policy with Colorado Legislators Dialogue with Legislators <i>Moderator: John McClow (Upper Gunnison River Water Conservancy District)</i> <i>Speakers: Rep. Julie McCluskie (Speaker of the Colorado House), Rep. Marc Catlin, Rep. Karen McCormick, Sen. Dylan Roberts, Sen. Cleave Simpson</i>
	<p>How have the dynamics of getting bills passed through the Colorado Legislature changed now that Democrats have a strong majority? What are the key things the Legislature might address in 2024? How did the Demystifying Colorado Water for Legislature go? What can the Water Congress do to ensure its voice in water policy remains relevant? Colorado River Drought Task Force update.</p>
10:30-11:00	Break
11:00-12:00	Session 8 Building the Strong Voice for Colorado Agriculture <i>Co-Moderators: Travis Smith and Jim Yahn (Agriculture Representatives to CWC Board)</i> <i>Speakers: Kate Greenberg (Colorado Agriculture Commissioner)</i> <i>Taylor Szilagyi (Colorado Farm Bureau)</i> <i>Erin Karney (Colorado Cattlemen's Association)</i>
	<p>Does Colorado Agriculture have a voice? Colorado Water Congress is committed to providing Colorado's Agricultural Community with a platform to tell its story of opportunities, challenges, and still provide safe affordable food for all of us.</p> <p>How can Water Congress assist Colorado's Agricultural Community build and maintain a strong voice with a strong message.</p>
12:00-12:55	Session 9 U.S. Congressional Discussion Senator John Hickenlooper Senator Michael Bennet Representative Joe Neguse Representative Lauren Boebert
12:55-1:00	Governor Jared Polis
1:00-1:45	Box Lunch <i>Sponsored by Colorado Water Resources & Power Development Authority</i> Tent
1:00-5:00+	POND Activities (grab lunch and go to pre-event gathering in Steamboat Grand lobby) Hiking Group Mountain Bike Ride Ranch Tour Fishing at Stagecoach Reservoir Golf Paddleboarding
2:00-5:00	Water Resources and Agriculture Review Committee <u>Topics:</u> Colorado River Update Waters of the United States Freshwater Carbon Mechanisms

- 2:00-5:00** **Colorado Water Resources & Power Development Authority Board Meeting**
Burgess Creek
- 4:30-6:00** **Women in Water Reception**
Sponsored by Christine Arbogast (Kogovsek and Associates)
Tent
More and more, women are emerging in important roles in the Colorado water family. As the founder and President of the Women in Water Scholarship Fund, Christine Arbogast is hosting this reception to showcase the growing and enormous contribution women professionals across the career path have made to Colorado Water Congress and beyond. Please join us and celebrate this accomplishment.
- 5:30-7:00+** **Water Buffalo Reception**
Sponsored by the Colorado Bar Association Water Law Section
Mountain View Foyer and Terrace
Reception continues after the Induction Ceremony
- 6:00** **Water Buffalo Presentation**
Burgess Creek
For decades, the Colorado Bar Associations Water Law Section has recognized retired individuals who have made significant contributions to the field of water law through induction into the Ancient and Honorable Order of the Water Buffalo. Nominees to this distinguished group are selected by the Executive Committee of the Water Law Section and honored at this ceremony celebrating their careers. The inductees this year are:
- Judge James Boyd (former Division No. 5 Water Judge), introduced by Holly Strablizky**
Joanne Herlihy (former City of Thornton in-house attorney), introduced by Emily Hunt
- 7:00-9:30** **Mountain Jam V**
Tent
Bring your voice and musical instruments, and let's jam! Open to all experience levels (including noexperience). Please note that this is an informal musical gathering and not a performance.
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THURSDAY, AUGUST 24

- 7:00-8:45** **Water for Breakfast**
Co-Sponsors: Brown and Caldwell and United Water and Sanitation District
(Food service continues until 8:30)
Tent
- 9:00-10:15** **Session 10**
Weather and Water
Moderator: Erin Wilson (Wilson Water Group)
Retrospectives on Runoff and Climate
Russ Schumacher (Colorado State Climatologist)
Depending on the river basin, Colorado's snowpack ranged from okay to near record. How did snowmelt translate into actual streamflow? How did the runoff pattern and volumes compare to last year? The updated report on Climate Change in Colorado will be released at about the time of the Summer Conference and Russ will give us a summary.

Status of Storage

Kevin Rein (Colorado State Engineer)

As the end of the water year approaches, where does water storage stand? Do we have any water administration concerns?

10:15-11:30 Session 11

Big River Myth Busters

Moderator: Jennifer Gimbel (Colorado Water Center)

Speakers: John McClow (Upper Gunnison River Water Conservancy District, Alternate Colorado Commissioner Colorado River Commission)

David Robbins (Hill and Robbins, Alternate Colorado Commissioner Colorado River Commission)

Erin Wilson (Wilson Water Group)

At present, is there a larger water issue in Colorado than negotiations with the other Basin States regarding the Colorado River? Our esteemed panel, who are deeply engaged aiding Colorado in the ongoing discussions, will attempt to dismantle common myths including:

1. Reclamation models give us a good sense of the future water supplies and operations.
2. Taking out lawns in municipal areas in Colorado will add to the Colorado River supply.
3. Temporarily reduction in use can provide meaningful water to the Colorado River.
4. Interior can require the Upper Basin to cease use of water.
5. With enough money, we can buy our way out of drought.

11:30-12:00 Session 12

The Last Word (for now)

Rebecca Mitchell (Colorado Commissioner Upper Colorado River Commission)

12:00 Conference Conclusion

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