

# Colorado and Texas

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# Framework v. Results

- Colorado

- Well-established
- Lots of (relatively small) transactions
- But, cumbersome, slow, expensive and state-dominated framework

- Texas

- Much more flexible framework with lots of potential
- But, not a lot of use yet so no track record demonstrate desirability of features

# Colorado Basics

- New Appropriation
  - Junior water rights
- **Water Rights Acquisitions**
  - Purchase
  - Lease/Loan
  - Donation
- In both cases, interest (water, water right) must be held by state agency, Colorado Water Conservation Board (CWCB)
  - New Pitkin County deal with revocable trust





# Acquisition Program

- Water, water rights or interest in water
- Purchase, donation
- Lease
- Temporary loan
- Voluntary
- Improve flows
- “Minimum amount of water to preserve natural env’t to a reasonable degree”



# Change Cases

- Focus is historical beneficial consumptive use (technical and legal issues)
- No injury and return flow pattern issues
- Temporary loans can get by with administrative process v. water court
- But, the broader the agreement and the more extensive the stipulations going into the change case, the better chances of timely success.
- TU 2005: “all this process ensures that rights are well-defined, secure and defensible (enforceable)”

# Transactions do get done

The screenshot shows a web browser window displaying the Colorado Water Conservancy Board website. The browser's address bar shows the URL: <http://cwcb.state.co.us/technical-resources/instream-flow-water-rights-database/>. The website header includes the Colorado Water Conservancy Board logo and the tagline: "Conserve, Develop, Protect, and Manage Colorado's Water for Present and Future Generations". The navigation menu includes: Loans & Grants, Environment, Water Management, Legal, Technical Resources, Public Information, and About Us. The breadcrumb trail is: Home > Technical Resources > Instream Flow Water Rights Database.

The main content area is titled "Instream Flow Water Rights Database". Below the title, it states: "Use the database below to search for all instream flow (ISF) and natural lake level water rights that the CWCB has appropriated since the inception of the Instream Flow and Natural Lake Level Program in 1973."

The search interface is divided into two columns: "Instream Flow Information" and "Natural Lake Information". Both columns have the instruction: "You may select from the following:"

**Instream Flow Information:**

- County: Adams (dropdown) Go
- Water Division: Division 1 (dropdown) Go
- Case Number: [text input] Go  
(Division #-Case Number e.g.: 1-94CW018)
- Stream Name: [text input] Go
- Watershed: Alamosa-Trinchera (13010002) (dropdown) Go
- Donations/Acquisitions: Go

**Natural Lake Information:**

- County: Adams (dropdown) Go
- Water Division: Division 1 (dropdown) Go
- Case Number: [text input] Go  
(Division #-Case Number e.g.: 1-W-8381-76 or 6-79CW012)
- Lake Name: [text input] Go
- Watershed: Alamosa-Trinchera (13010002) (dropdown) Go
- Donations/Acquisitions: Go

The left sidebar contains a "Technical Resources" menu with the following items: Colorado River Water Availability Study, Decision Support Systems, Instream Flow Water Rights Database, Flood DSS, Colorado Risk MAP, Drought Planning Toolbox, Municipal Water Efficiency Plan Guidance Document, and Floodplain.

The Windows taskbar at the bottom shows the system clock as 4:06 PM on 1/14/2014. The taskbar includes icons for Internet Explorer, Google Chrome, and other applications.

# Mutual Ditch Companies





# Other Issues

- Reduced diversions legislation
- Variable flow patterns v. minimum flows (evolving)
- Funding
- Groundwater/surface water linkages

# Texas

- Private instream flow rights (existing rights can be changed to instream flow or I/S flow added)
- Ecological flow regime needs being defined
- No conserved water issues
- Statewide Water Trust and a few local Trusts



# But...

- No funding
- Few ESA drivers (to date...it may be coming)
- Fully appropriated on paper but not in reality



# And Bays Need Huge Amounts





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