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

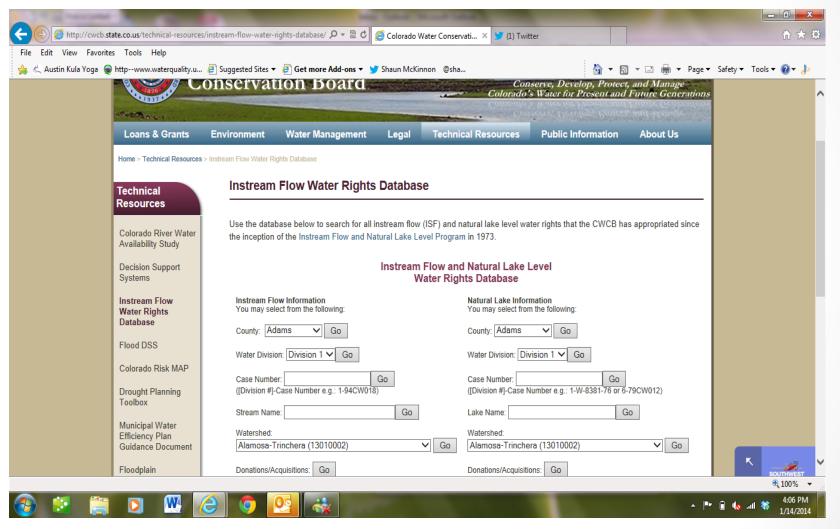
- Water, water rights or interest in water
- Purchase, donation
- Lease
- Temporary loan
- Voluntary
- Improve flows
- "Minimum amount of water to preserve natural env't to a reasonable degree"



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 ell-defined, secure and defensible (enforceable)"

Transactions do get done



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

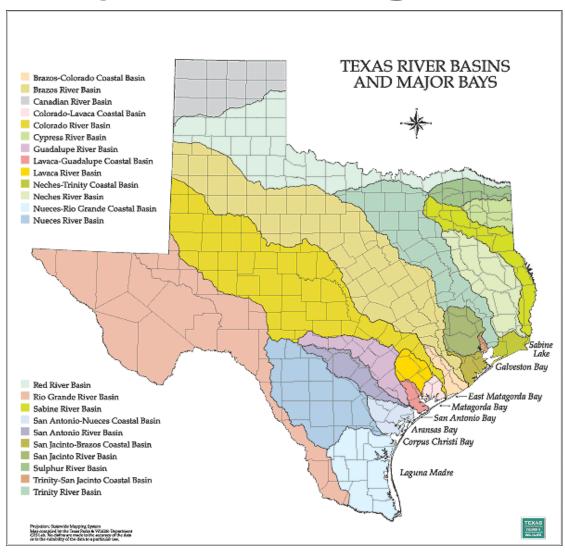


But...

- 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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