



Dolores Water Conservancy District

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July 7, 2023

Wayne Pullan
Regional Director
Upper Colorado Basin
Bureau of Reclamation

Dear Mr. Pullan:

On behalf of the Dolores Water Conservancy District (“DWCD”) thank you for the opportunity to comment on this matter. As you are aware DWCD operates the Dolores Project, with McPhee Reservoir as its central feature. Given the limited comment time DWCD would like to draw your attention to several key issues which the District believes should inform Reclamation’s analysis when evaluating the funding of projects to conserve Upper Colorado River Basin water.

The Dolores Project, like many Reclamation projects, was initiated in support of local agricultural economies which continues to provide the local economic foundation. Notably, the Dolores Project broke new ground from historical Reclamation projects when it resolved key components of the reserved water right claims of the Ute Mountain Ute Indian Tribe, and provided project water for downstream environmental releases outside the prior appropriation system while incorporating features to reduce salinity in the Colorado Basin, generally.

DWCD understands “long term durable projects”, to include only physical and other infrastructure projects determined to increase delivery efficiency or other water savings, not the following -or other demand related reductions that have been funded pursuant to the -\$125M in System Conservation Pilot Program.

The Colorado Constitution guarantees Colorado water users a right of prior appropriation which serves as the foundation for Colorado water law, generally and specifically the water rights decreed for the Dolores Project which must be upheld and supported. Under Colorado’s prior appropriation doctrine, as interpreted by the Colorado Supreme Court, long term water savings “belong to the river” and may be demanded by any unsatisfied junior water right. Accordingly, system efficiency does not automatically result in additional wet water to a river at any particular location. DWCD believes Reclamation is also obligated to recognize the limits placed upon it by specific Congressional project authorizations and by project specific Reclamation contracts.

In evaluating efficiency projects Reclamation should recognize that as a matter of state and federal law and policy any saved water is in most cases obliged to be used within our local communities which have experienced extreme project shortages forced by the last 23 years of recurring droughts. Reclamation should exercise its funding discretion to support projects that strengthen the viability of multiple use reclamation projects, and the water needs in the local communities supported by those reclamation projects.

Consistent with the foregoing DWCD recommends the following types of projects are most likely to be effective and in harmony with Reclamation's obligations and objectives:

- 1) Reclamation should evaluate and support projects on federal lands that increase watershed health and discharge efficiency consistent with the National Forest System Organic Act's charge "to secure favorable conditions of water flows" that promote water quality and water quantity. Reclamation should prioritize forest projects that have the potential to document quantifiable increases in runoff yield and pilot projects that improve our scientific understand of forest to water yield relationship.
- 2) DWCD supports and encourages Reclamation to favor other known efficiency strategies such as preferring ground water storage projects over surface storage to limit water otherwise lost from the system through evaporation.
- 3) DWCD suggest that in evaluating environmental projects to limit the effect of drought, Reclamation acknowledge the local environmental benefits of its projects, rather than viewing concrete, local irrigation improved environments as expendable in the pursuit of remote, attenuated environmental interests.

In carrying out its analysis of efficiency activities Reclamation should:

- 1) Continue prioritizing those projects that show connections to improving Reclamation project reliability and yield.
- 2) Continue to prioritize involvement by core stakeholders including water rights owners, local governments, and Tribes with direct contractual ties to Reclamation.
- 3) Prioritize efficiency projects proposed by NGO's working on public lands or working in partnership with water rights owners.

Lastly, Because unique local conditions will vary widely between river basins, program administration should include close coordination with key entities with expertise in local and broader water systems including: individual states, the Upper Colorado River Commission, regional water districts like the Southwestern Water Conservation District and Colorado River Water Conservation District and local Reclamation Project operators like DWCD on all projects within or linked to their boundaries and operations. This will allow Reclamation to be fully informed about local administration, project specific contracts and unique local histories and economic underpinnings.

We look forward to continued coordination on Reclamation's programmatic support the upper Colorado River Basin in cooperation with their project partners.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Curtis III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth W. Curtis III
DWCD General Manager